UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/447,974	05/23/1995	JOHN C. HARVEY	5634.145	9133

7590 10/18/2004	**EXAMINER**
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ART UNIT	PAPER NUMBER
2653	

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DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	08/447,974	HARVEY ET AL.
	Examiner	**Art Unit**
	David L. Ometz	2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *8/3/98, 4/13/00, and 7/8/02* .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2,3,7,8,10-12,14,16,18,22,25-30,33 and 36* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2, 3, 7, 8, 10-12, 14, 16, 18, 22, 25-30, 33, 36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☐	Notice of References Cited (PTO-892)	4)☐	Interview Summary (PTO-413) Paper No(s). _____ .
2)☐	Notice of Draftsperson's Patent Drawing Review (PTO-948)	5)☐	Notice of Informal Patent Application (PTO-152)
3)☐	Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6)☐	Other: .

Dave O.

DETAILED ACTION

Drawing Objections

I.   The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every

feature of the invention specified in the claims. Applicant's claims recite a number of

embodiments of the invention. However, no embodiment appears to be shown in its entirety in

any of the drawings, and therefore the structural relationships between elements as recited in the

claims are not shown in the drawings. No new matter should be entered.

In particular, the drawings do not show the highlighted elements and their-corresponding

structural interactions as shown below:

2. (Three times amended) A method of controlling the outputting of mass medium
program material at a subscriber station, **said subscriber station including an output device, a
memory, a receiver, and a processor**, wherein said output device is capable of presenting mass
medium program material, **said receiver has a signal output coupled as an input to the
processor, said processor has an output operatively connected to a control input of said
memory,** and **said memory is operatively connected to said output device** for communicating
mass medium program material to said output device, said method comprising the steps of
storing mass medium program material and subscriber data, said subscriber data designating a
subject of interest of a subscriber; receiving an instruct-to-generate signal; generating a schedule
by processing said subscriber data in response to said instruct-to-generate signal; controlling said
memory to communicate said mass medium program material to said output device in
accordance with said schedule; and presenting said communicated mass medium program
material at said output
device.

3. (Three times amended) A method of communicating subscriber station information
from a subscriber station to at least one remote station, said method comprising the steps of (1)
storing subscriber data at a subscriber station; (2) **receiving at said subscriber station at
least one instruct signal** which is used to generate a schedule and output mass medium program
material in accordance with said schedule;
(3) **generating subscriber specific data**, said generating at said subscriber station directed by
instructions from said at least one instruct signal;
(4) **receiving one of a viewer's and a participant's response to a mass medium presentation
at said subscriber station,** said mass medium presentation including said mass medium
program material; and

(5) **transferring said subscriber specific data from said subscriber station to at least one remote station** based on said step of receiving.

7. (Three Times Amended) A method for information delivery for use
with an interactive image output apparatus, **said interactive image output apparatus having at least one output device for outputting said information and an input device for receiving input from a subscriber**, said method comprising the steps of
outputting a presentation that explains at least one receiver specific datum, said presentation including a first sequence of images;
making an offer during said step of outputting with respect to said information;
receiving input from said subscriber at said input device in response to said offer, **said interactive image output apparatus having a transmitter for communicating data to a remote site**;
communicating said data to said remote site, **said interactive mass medium output apparatus and said remote site comprising a network having a plurality of transmitter stations**;
one of generating and assembling, in said network, at least one message which operates at said interactive image output apparatus to generate a schedule and to output a second sequence of images in accordance with said schedule, **said interactive image output apparatus having a receiver for receiving a signal from said remote station**; and
delivering said information to said at least one output device based on said at least one message.

8. (Amended) The method of claim 2, wherein said mass medium program material includes at least one of video and audio and **said subscriber station further includes a switch operatively connected to said receiver**, said method further comprising the steps of: receiving a signal from a remote station, said signal including said at least one of video and audio; and controlling said switch to communicate said signal to one of said memory and said processor.

10. (Twice Amended) The method of claim 2, further comprising the steps of: **analyzing said subscriber data** to value information included in said mass medium program material; selecting at least a portion of said mass medium program material based on said step of analyzing; and **communicating said selected portion of said mass medium program material to said memory**.

11. (Twice Amended) The method of claim 2, wherein said instruct-to-generate signal designates a plurality of units of said mass medium program material, and **said memory includes a plurality of memory locations**, said method further comprising the step of: **communicating selected portions of said mass medium program material to at least one specific memory location** of said plurality of memory locations.

12. (Unchanged) The method of claim 2, wherein said step of controlling said memory to communicate said mass medium program material is commenced in response to an output control signal, said method further comprising the step of **detecting said output control signal in an information transmission communicated from a remote transmitter station**.

14. (Twice Amended) The method of claim 2, further comprising the steps of: **storing a module at said subscriber station in response to said instruct-to-generate signal;** and inputting to a remote station data of subscriber choice in accordance with said module, said data of subscriber choice communicating a response by said subscriber to a combined medium presentation including said communicated mass medium program material.

· 16. (Twice Amended) The method of claim 2, wherein said output device is capable of outputting television programming and said subscriber station presents at least a portion of said mass medium program material at said output device one of simultaneously and sequentially with said television programming, said method further comprising the steps of: **receiving from one of a remote broadcast and a cablecast transmitter station an information transmission including channels of programming,** said information transmission including said television programming and said instruct-to-generate signal; **communicating said television programming from said receiver to said output device;** detecting a plurality of instruct signal types in a code portion of said information transmission, said instruct-to-generate signal being of a first instruct signal type; **communicating said instruct-to-generate signal to said processor;** and **controlling said memory to store and output said mass medium program material based on one or more signals of a second instruct signal type.**

18. (Twice Amended) The method of claim 3, further comprising the steps of: **storing a software module at said subscriber station;** executing said software module in response to said at least one instruct signal; accessing said stored subscriber data under control of said software module; and **storing at least one of meter information and monitor information evidencing processing of said software module,** said at least one of said meter information and said monitor information is communicated to said at least one remote station.

22. (Twice Amended) The method of claim 7, wherein said at least one message is generated at said remote site and includes higher language code to be assembled at at least one of **a remote computer and said interactive image output apparatus,** said method further comprising at least one step from the group consisting of transmitting from said interactive image output apparatus one or more subscriber data to serve as a basis for at least one of assembling said higher language code and generating said at least one message, **said network including a plurality of origination transmitter stations, said interactive image output apparatus being an origination transmitter station;** aggregating in said network subscriber data inputted in response to at least one of said first sequence of video images and said information, said aggregated subscriber data to serve as a basis for delivering said information; transmitting data and an intermediate generation set from at least one of said plurality of origination transmitter stations in said network, said data and said intermediate generation set are operative at at least one of said remote site, said remote computer, and said interactive image output apparatus to perform at least one of (1) **processing said higher language code and (2) generating said at least one message; and transmitting video and said higher language code from said at least one of said plurality of origination transmitter stations,** said video and higher language code operative in said network to deliver said information at said output device and output said

information to said subscriber.

25. (Unchanged) The method of claim 7, wherein said at least one output device includes **a television monitor and said interactive image output apparatus receives a portion of a television program**, said method further comprising the steps of selecting and passing said portion of a television program to the television monitor for delivery to a user;
generating a balance of a series of complete video images for said television program; and
synchronizing delivery of said generated balance at said television monitor based on said schedule.

26. (Amended) A method of controlling the outputting of mass medium program materials at a subscriber station in a broadcast or cablecast distribution system, **said broadcast or cablecast distribution system having a transmitter station and one or more subscriber stations, each of said one or more subscriber stations including a receiver, a processor, and an output device**, said broadcast or cablecast distribution system having **a computer for storing data and controlling communication of mass medium program materials,** said method comprising the steps of
storing mass medium program material and a subscriber datum, said subscriber datum designating a subject of interest to a subscriber;
detecting a control signal, said control signal designating a unit of mass medium program material;
selecting said subscriber datum in response to said control signal;
generating at least some of a schedule by processing said selected subscriber datum in response to said control signal, said generated at least some of a schedule including at least one of the group of
(1) a time to communicate said designated unit of mass medium program material;
(2) a device from which to communicate said designated unit of mass medium program material; and
(3) a device to which to communicate said designated unit of mass medium program material;
communicating said designated unit of mass medium program material at said one or more subscriber stations under processor control based on said schedule; and outputting said communicated unit of mass medium program material at said one or more subscriber stations.

27. (Amended) The method of claim 26, wherein said unit of designated mass medium program material includes at least one of video and audio and said step of communicating includes: **tuning the receiver at said subscriber station to receive said at least one of video and audio;** and **controlling a selective transmission device** at said subscriber station to communicate said at least one of video and audio to the output device at said subscriber station.

28. (Amended) The method of claim 26, wherein an information transmission including said mass medium program material **includes a second control signal** and said step of communicating includes: outputting at least one of **the receiver and a first memory at said subscriber station to at least one of the output device at said subscriber station and a second memory based on said second control signal.**

29. (Unchanged) The method of claim 26, wherein said step of communicating said designated unit of mass medium program material under processor control includes controlling **a storage device at said subscriber station** to play said designated unit of mass medium program material according to said schedule, said method further comprising the steps of: **tuning a receiver in said broadcast or cablecast distribution system** to receive said designated unit of mass medium program material; **communicating said designated unit of mass medium program material to a specific memory location in said broadcast or cablecast distribution system**; and controlling said storage device to store said designated unit of mass medium program material.

30. (Amended) The method of claim 26, wherein said subscriber station includes at least one of (1) **a plurality of storage devices** and (2) **a plurality of memory locations** and said step of communicating includes organizing programming stored at said subscriber station to play according to said schedule, said programming including said designated unit of mass medium program material.

33. (Unchanged) The method of claim 26, wherein said stored subscriber datum is at least part of a subscriber budget, analysis, recommended plan, or solution to a problem, said method further comprising the steps of: analyzing said stored subscriber datum to value information received in said broadcast or cablecast distribution system; and **selecting said designated unit of mass medium program material based on said step of analyzing**.

36. (Unchanged) The method of claim 26, further comprising the steps of **storing a module at said subscriber station in response to said control signal**; and communicating one or more data of subscriber choice to a remote station in accordance with said module, said one or more data of subscriber choice input by said subscriber in response to a combined medium programming presentation which includes said designated unit of mass medium program material.

If Applicant believes every claimed feature as indicated above is present in the drawings, in his response to this objection, he should point out the specific figures and elements in the drawings which show these features. These features must be shown or the features canceled from the claims. No new matter should be entered.

II.   Claims 2, 3, 7, 8, 10-12, 14, 16, 18, 22, 25-30, 33, 36 are rejected under 35 U.S.C. 112,

first paragraph, as containing subject matter which was not described in the specification in such

a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time

the application was filed, had possession of the claimed invention.

37 C.F.R. 1.75(d)(1) requires that:

"the terms and the phrases used in the claims must find clear support or

antecedent basis in the description so that the meaning of the terms in the

claims may be ascertainable by reference to the description".

The following highlighted terms and phrases do not find clear support or

antecedent in the descriptive portion of the specification:

2. (Three times amended) A method of controlling the outputting of mass medium
program material at a subscriber station, **said subscriber station including an output device, a
memory, a receiver, and a processor,** wherein said output device is capable of presenting mass
medium program material, **said receiver has a signal output coupled as an input to the
processor, said processor has an output operatively connected to a control input of said
memory,** and **said memory is operatively connected to said output device** for communicating
mass medium program material to said output device, said method comprising the steps of
storing mass medium program material and subscriber data, said subscriber data designating a
subject of interest of a subscriber; receiving **an instruct-to-generate signal; generating a
schedule by processing said subscriber data in response to said instruct-to-generate signal;
controlling said memory to communicate said mass medium program material to said
output device in accordance with said schedule; and presenting said communicated mass
medium program material at said output**
device.

3. (Three times amended) A method of communicating subscriber station information
from a subscriber station to at least one remote station, said method comprising the steps of (1)
storing subscriber data at a subscriber station; (2) **receiving at said subscriber station at
least one instruct signal** which is used to generate a schedule and output mass medium program
material in accordance with said schedule;
(3) **generating subscriber specific data,** said generating at said subscriber station directed by
instructions from said at least one instruct signal;

(4) **receiving one of a viewer's and a participant's response to a mass medium presentation at said subscriber station**, said mass medium presentation including said mass medium program material; and

(5) **transferring said subscriber specific data from said subscriber station to at least one remote station** based on said step of receiving.

7. (Three Times Amended) A method for information delivery for use with an interactive image output apparatus, **said interactive image output apparatus having at least one output device for outputting said information and an input device for receiving input from a subscriber**, said method comprising the steps of

outputting a presentation that explains at least one receiver specific datum, said presentation including a first sequence of images;

making an offer during said step of outputting with respect to said information;

receiving input from said subscriber at said input device in response to said offer, **said interactive image output apparatus having a transmitter for communicating data to a remote site**;

communicating said data to said remote site, **said interactive mass medium output apparatus and said remote site comprising a network having a plurality of transmitter stations**;

one of generating and assembling, in said network, at least one message which operates at said interactive image output apparatus to generate a schedule and to output a second sequence of images in accordance with said schedule, **said interactive image output apparatus having a receiver for receiving a signal from said remote station**; and

delivering said information to said at least one output device based on said at least one message.

8. (Amended) The method of claim 2, wherein said mass medium program material includes at least one of video and audio and **said subscriber station further includes a switch operatively connected to said receiver**, said method further comprising the steps of: receiving a signal from a remote station, said signal including said at least one of video and audio; and controlling said switch to communicate said signal to one of said memory and said processor.

10. (Twice Amended) The method of claim 2, further comprising the steps of: **analyzing said subscriber data** to value information included in said mass medium program material; selecting at least a portion of said mass medium program material based on said step of analyzing; and **communicating said selected portion of said mass medium program material to said memory**.

11. (Twice Amended) The method of claim 2, wherein said instruct-to-generate signal designates a plurality of units of said mass medium program material, and **said memory includes a plurality of memory locations**, said method further comprising the step of: **communicating selected portions of said mass medium program material to at least one specific memory location** of said plurality of memory locations.

12. (Unchanged) The method of claim 2, wherein said step of controlling said memory to communicate said mass medium program material is commenced in response to an output

control signal, said method further comprising the step of **detecting said output control signal in an information transmission communicated from a remote transmitter station**.

14. (Twice Amended) The method of claim 2, further comprising the steps of: **storing a module at said subscriber station in response to said instruct-to-generate signal**; and **inputting to a remote station data of subscriber choice in accordance with said module**, said data of subscriber choice communicating a response by said subscriber to a combined medium presentation including said communicated mass medium program material.

16. (Twice Amended) The method of claim 2, wherein said output device is capable of outputting television programming and said subscriber station presents at least a portion of said mass medium program material at said output device one of simultaneously and sequentially with said television programming, said method further comprising the steps of: **receiving from one of a remote broadcast and a cablecast transmitter station an information transmission including channels of programming**, said information transmission including said television programming and said instruct-to-generate signal; **communicating said television programming from said receiver to said output device**; detecting a plurality of instruct signal types in a code portion of said information transmission, said instruct-to-generate signal being of a first instruct signal type; **communicating said instruct-to-generate signal to said processor**; and **controlling said memory to store and output said mass medium program material based on one or more signals of a second instruct signal type**.

18. (Twice Amended) The method of claim 3, further comprising the steps of: **storing a software module at said subscriber station**; executing said software module in response to said at least one instruct signal; accessing said stored subscriber data under control of said software module; and **storing at least one of meter information and monitor information evidencing processing of said software module**, said at least one of said meter information and said monitor information is communicated to said at least one remote station.

22. (Twice Amended) The method of claim 7, wherein said at least one message is generated at said remote site and includes higher language code to be assembled at at least one of **a remote computer and said interactive image output apparatus**, said method further comprising at least one step from the group consisting of transmitting from said interactive image output apparatus one or more subscriber data to serve as a basis for at least one of assembling said higher language code and generating said at least one message, **said network including a plurality of origination transmitter stations, said interactive image output apparatus being an origination transmitter station**; aggregating in said network subscriber data inputted in response to at least one of said first sequence of video images and said information, said aggregated subscriber data to serve as a basis for delivering said information; transmitting data and an intermediate generation set from at least one of said plurality of origination transmitter stations in said network, said data and said intermediate generation set are operative at at least one of said remote site, said remote computer, and said interactive image output apparatus to perform at least one of (1) **processing said higher language code and (2) generating said at least one message; and transmitting video and said higher language code**

from said at least one of said plurality of origination transmitter stations, said video and higher language code operative in said network to deliver said information at said output device and output said
information to said subscriber.

25. (Unchanged) The method of claim 7, wherein said at least one output device includes **a television monitor and said interactive image output apparatus receives a portion of a television program**, said method further comprising the steps of selecting and passing said portion of a television program to the television monitor for delivery to a user;
generating a balance of a series of complete video images for said television program; and **synchronizing delivery of said generated balance at said television monitor based on said schedule.**

26. (Amended) A method of controlling the outputting of mass medium program materials at a subscriber station in a broadcast or cablecast distribution system, **said broadcast or cablecast distribution system having a transmitter station and one or more subscriber stations, each of said one or more subscriber stations including a receiver, a processor, and an output device**, said broadcast or cablecast distribution system having **a computer for storing data and controlling communication of mass medium program materials**, said method comprising the steps of
storing mass medium program material and a subscriber datum, said subscriber datum designating a subject of interest to a subscriber;
detecting a control signal, said control signal designating a unit of mass medium program material;
selecting said subscriber datum in response to said control signal;
generating at least some of a schedule by processing said selected subscriber datum in response to said control signal, said generated at least some of a schedule including at least one of the group of
(1) a time to communicate said designated unit of mass medium program material;
(2) a device from which to communicate said designated unit of mass medium program material; and
(3) a device to which to communicate said designated unit of mass medium program material;
communicating said designated unit of mass medium program material at said one or more subscriber stations under processor control based on said schedule; and outputting said communicated unit of mass medium program material at said one or more subscriber stations.

27. (Amended) The method of claim 26, wherein said unit of designated mass medium program material includes at least one of video and audio and said step of communicating includes: **tuning the receiver at said subscriber station to receive said at least one of video and audio; and controlling a selective transmission device at said subscriber station to communicate said at least one of video and audio to the output device at said subscriber station.**

28. (Amended) The method of claim 26, wherein an information transmission including said mass medium program material **includes a second control signal** and said step of communicating includes: outputting at least one of **the receiver and a first memory at said subscriber station to at least one of the output device at said subscriber station and a second memory based on said second control signal.**

29. (Unchanged) The method of claim 26, wherein said step of communicating said designated unit of mass medium program material under processor control includes controlling **a storage device at said subscriber station** to play said designated unit of mass medium program material according to said schedule, said method further comprising the steps of: **tuning a receiver in said broadcast or cablecast distribution system** to receive said designated unit of mass medium program material; **communicating said designated unit of mass medium program material to a specific memory location in said broadcast or cablecast distribution system**; and controlling said storage device to store said designated unit of mass medium program material.

30. (Amended) The method of claim 26, wherein said subscriber station includes at least one of (1) **a plurality of storage devices** and (2) **a plurality of memory locations** and said step of communicating includes organizing programming stored at said subscriber station to play according to said schedule, said programming including said designated unit of mass medium program material.

33. (Unchanged) The method of claim 26, wherein said stored subscriber datum is at least part of a subscriber budget, analysis, recommended plan, or solution to a problem, said method further comprising the steps of: analyzing said stored subscriber datum to value information received in said broadcast or cablecast distribution system; and **selecting said designated unit of mass medium program material based on said step of analyzing.**

36. (Unchanged) The method of claim 26, further comprising the steps of **storing a module at said subscriber station in response to said control signal**; and **communicating one or more data of subscriber choice to a remote station in accordance with said module, said one or more data of subscriber choice input by said subscriber in response to a combined medium programming presentation which includes said designated unit of mass medium program material.**

Specification (New Matter)

III.   Claims 2, 3, 7, 8, 10-12, 14, 16, 18, 22, 25-30, 33, 36 are rejected under 35 U.S.C. 112,

first paragraph, as containing new matter and as containing subject matter which was not

described in the specification in such a way as to reasonably convey to one skilled in the relevant

art that the inventor(s), at the time the application was filed, had possession of the claimed

invention.

In advancing this rejection, the Examiner has followed the "Guidelines for Examination

of Patent Application Under 35 U.S.C. 112, first paragraph, "Written Description Requirement"

(Federal Register/Vol. 66, No. 4/Friday, January 5, 2001/Notices) to the extent applicable. All

the claims are as provided via the amendments filed 8/3/98, 4/13/00, and 7/8/02. The claims are

reproduced below:

2. (Three times amended) A method of controlling the outputting of mass medium
program material at a subscriber station, said subscriber station including an output device, a
memory, a receiver, and a processor, wherein said output device is capable of presenting mass
medium program material, said receiver has a signal output coupled as an input to the processor,
said processor has an output operatively connected to a control input of said memory, and said
memory is operatively connected to said output device for communicating mass medium
program material to said output device, said method comprising the steps of storing mass
medium program material and subscriber data, said subscriber data designating a subject of
interest of a subscriber; receiving an instruct-to-generate signal; generating a schedule by
processing said subscriber data in response to said instruct-to-generate signal; controlling said
memory to communicate said mass medium program material to said output device in
accordance with said schedule; and presenting said communicated mass medium program
material at said output
device.

3. (Three times amended) A method of communicating subscriber station information
from a subscriber station to at least one remote station, said method comprising the steps of (1)
storing subscriber data at a subscriber station; (2) receiving at said subscriber station at least one

instruct signal which is used to generate a schedule and output mass medium program material in accordance with said schedule;
(3) generating subscriber specific data, said generating at said subscriber station directed by instructions from said at least one instruct signal;
(4) receiving one of a viewer's and a participant's response to a mass medium presentation at said subscriber station, said mass medium presentation including said mass medium program material; and
(5) transferring said subscriber specific data from said subscriber station to at least one remote station based on said step of receiving.

      7. (Three Times Amended) A method for information delivery for use with an interactive image output apparatus, said interactive image output apparatus having at least one output device for outputting said information and an input device for receiving input from a subscriber, said method comprising the steps of
outputting a presentation that explains at least one receiver specific datum, said presentation including a first sequence of images;
making an offer during said step of outputting with respect to said information;
receiving input from said subscriber at said input device in response to said offer, said interactive image output apparatus having a transmitter for communicating data to a remote site;
communicating said data to said remote site, said interactive mass medium output apparatus and said remote site comprising a network having a plurality of transmitter stations;
one of generating and assembling, in said network, at least one message which operates at said interactive image output apparatus to generate a schedule and to output a second sequence of images in accordance with said schedule, said interactive image output apparatus having a receiver for receiving a signal from said remote station; and
delivering said information to said at least one output device based on said at least one message.

      8. (Amended) The method of claim 2, wherein said mass medium program material includes at least one of video and audio and said subscriber station further includes a switch operatively connected to said receiver, said method further comprising the steps of: receiving a signal from a remote station, said signal including said at least one of video and audio; and controlling said switch to communicate said signal to one of said memory and said processor.

      10. (Twice Amended) The method of claim 2, further comprising the steps of: analyzing said subscriber data to value information included in said mass medium program material; selecting at least a portion of said mass medium program material based on said step of analyzing; and communicating said selected portion of said mass medium program material to said memory.

      11. (Twice Amended) The method of claim 2, wherein said instruct-to-generate signal designates a plurality of units of said mass medium program material, and said memory includes a plurality of memory locations, said method further comprising the step of:
communicating selected portions of said mass medium program material to at least one specific memory location of said plurality of memory locations.

12. (Unchanged) The method of claim 2, wherein said step of controlling said memory to communicate said mass medium program material is commenced in response to an output control signal, said method further comprising the step of detecting said output control signal in an information transmission communicated from a remote transmitter station.

14. (Twice Amended) The method of claim 2, further comprising the steps of: storing a module at said subscriber station in response to said instruct-to-generate signal; and inputting to a remote station data of subscriber choice in accordance with said module, said data of subscriber choice communicating a response by said subscriber to a combined medium presentation including said communicated mass medium program material.

16. (Twice Amended) The method of claim 2, wherein said output device is capable of outputting television programming and said subscriber station presents at least a portion of said mass medium program material at said output device one of simultaneously and sequentially with said television programming, said method further comprising the steps of: receiving from one of a remote broadcast and a cablecast transmitter station an information transmission including channels of programming, said information transmission including said television programming and said instruct-to-generate signal; communicating said television programming from said receiver to said output device; detecting a plurality of instruct signal types in a code portion of said information transmission, said instruct-to-generate signal being of a first instruct signal type; communicating said instruct-to-generate signal to said processor; and controlling said memory to store and output said mass medium program material based on one or more signals of a second instruct signal type.

18. (Twice Amended) The method of claim 3, further comprising the steps of: storing a software module at said subscriber station; executing said software module in response to said at least one instruct signal; accessing said stored subscriber data under control of said software module; and storing at least one of meter information and monitor information evidencing processing of said software module, said at least one of said meter information and said monitor information is communicated to said at least one remote station.

22. (Twice Amended) The method of claim 7, wherein said at least one message is generated at said remote site and includes higher language code to be assembled at at least one of a remote computer and said interactive image output apparatus, said method further comprising at least one step from the group consisting of transmitting from said interactive image output apparatus one or more subscriber data to serve as a basis for at least one of assembling said higher language code and generating said at least one message, said network including a plurality of origination transmitter stations, said interactive image output apparatus being an origination transmitter station; aggregating in said network subscriber data inputted in response to at least one of said first sequence of video images and said information, said aggregated subscriber data to serve as a basis for delivering said information; transmitting data and an intermediate generation set from at least one of said plurality of origination transmitter stations in said network, said data and said intermediate generation set are operative at at least one of said

remote site, said remote computer, and said interactive image output apparatus to perform at least one of (1) processing said higher language code and (2) generating said at least one message; and transmitting video and said higher language code from said at least one of said plurality of origination transmitter stations, said video and higher language code operative in said network to deliver said information at said output device and output said
information to said subscriber.

25. (Unchanged) The method of claim 7, wherein said at least one output device includes a television monitor and said interactive image output apparatus receives a portion of a television program, said method further comprising the steps of selecting and passing said portion of a television program to the television monitor for delivery to a user;
generating a balance of a series of complete video images for said television program; and synchronizing delivery of said generated balance at said television monitor based on said schedule.

26. (Amended) A method of controlling the outputting of mass medium program materials at a subscriber station in a broadcast or cablecast distribution system, said broadcast or cablecast distribution system having a transmitter station and one or more subscriber stations, each of said one or more subscriber stations including a receiver, a processor, and an output device, said broadcast or cablecast distribution system having a computer for storing data and controlling communication of mass medium program materials, said method comprising the steps of
storing mass medium program material and a subscriber datum, said subscriber datum designating a subject of interest to a subscriber;
detecting a control signal, said control signal designating a unit of mass medium program material;
selecting said subscriber datum in response to said control signal;
generating at least some of a schedule by processing said selected subscriber datum in response to said control signal, said generated at least some of a schedule including at least one of the group of
(1) a time to communicate said designated unit of mass medium program material;
(2) a device from which to communicate said designated unit of mass medium program material; and
(3) a device to which to communicate said designated unit of mass medium program material;
communicating said designated unit of mass medium program material at said one or more subscriber stations under processor control based on said schedule; and outputting said communicated unit of mass medium program material at said one or more subscriber stations.

27. (Amended) The method of claim 26, wherein said unit of designated mass medium program material includes at least one of video and audio and said step of communicating includes: tuning the receiver at said subscriber station to receive said at least one of video and audio; and controlling a selective transmission device at said subscriber station to communicate said at least one of video and audio to the output device at said subscriber station.

28. (Amended) The method of claim 26, wherein an information transmission including said mass medium program material includes a second control signal and said step of communicating includes: outputting at least one of the receiver and a first memory at said subscriber station to at least one of the output device at said subscriber station and a second memory based on said second control signal.

29. (Unchanged) The method of claim 26, wherein said step of communicating said designated unit of mass medium program material under processor control includes controlling a storage device at said subscriber station to play said designated unit of mass medium program material according to said schedule, said method further comprising the steps of: tuning a receiver in said broadcast or cablecast distribution system to receive said designated unit of mass medium program material; communicating said designated unit of mass medium program material to a specific memory location in said broadcast or cablecast distribution system; and controlling said storage device to store said designated unit of mass medium program material.

30. (Amended) The method of claim 26, wherein said subscriber station includes at least one of (1) a plurality of storage devices and (2) a plurality of memory locations and said step of communicating includes organizing programming stored at said subscriber station to play according to said schedule, said programming including said designated unit of mass medium program material.

33. (Unchanged) The method of claim 26, wherein said stored subscriber datum is at least part of a subscriber budget, analysis, recommended plan, or solution to a problem, said method further comprising the steps of: analyzing said stored subscriber datum to value information received in said broadcast or cablecast distribution system; and selecting said designated unit of mass medium program material based on said step of analyzing.

36. (Unchanged) The method of claim 26, further comprising the steps of storing a module at said subscriber station in response to said control signal; and communicating one or more data of subscriber choice to a remote station in accordance with said module, said one or more data of subscriber choice input by said subscriber in response to a combined medium programming presentation which includes said designated unit of mass medium program material.

However, in Applicant's specification, nowhere is the claimed invention disclosed expressly, implicitly or inherently, as required in the Written Description Guidelines, supra. In fact, the critical components and features called for in the claims are nowhere to be found either in the specification or in the drawing figures.

For example, independent claim 2 recites "storing mass medium

program material and subscriber data, said subscriber data designating a subject of interest of a

subscriber" which are found nowhere within the specification or the drawing figures.

Applicant's specification goes on to mention:

   In actuality, the process of controlling computer-based combined media
   operations is continuous and involves systematic inputting and maintaining of
   up-to-date user specific data at each subscriber station. (For example, only
   at subscriber stations where user specific stock data is maintained
   systematically and up-to-date can the program instruction set of the first
   message of the "Wall Street Week" example generate FIG. 1A images that actually
   show the performance of the portfolios of the subscribers of said stations.) (page 448, lines 4-
   13)

   However, the present invention provides means and methods for systematically
   inputting and maintaining user specific data at subscriber stations.
   (page 448, lines 22-24)

As shown above, applicant's specification however does not even recite the terms "subscriber

data" and "designating a subject of interest of a subscriber", and such data are not disclosed in

any of the figures. The terms and phrases "subscriber data" and "designating a subject of interest

of a subscriber" simply do not exist in the specification. Because the specification does not

provide any details for the "subscriber data" and "designating a subject of interest of a

subscriber", one of ordinary skill would not know the Applicant's intention as to what is meant

by the "subscriber data" and "designating a subject of interest of a subscriber", or how to make

and use such a device, which is not found in the specification or drawings. Additionally, the

claims recite various interconnections and functional interrelations between the "subscriber data"

and other claimed elements, though the specification again provides no support or disclosure as

to what these are or how they function or how they are actually connected or how the elements

function with one another. Without any of these details, the claimed "subscriber data" and

"designating a subject of interest of a subscriber", could not be considered to be fully supported

and could not satisfy the requirements of 35 U.S.C. 112, first paragraph. Therefore, one of

ordinary skill in the art would require undue experimentation and burden to make or use the

claimed invention. Additionally, the drawings do not show anything that is labeled (or that

apparently corresponds to) "subscriber data" and "designating a subject of interest of a

subscriber".

Claim 2 also recites, "receiving an instruct-to-generate signal".

Applicant's specification makes no reference to any receipt of "an instruct-to-generate signal"

nor does the specification even recite the term "an instruct-to-generate signal", and such signal is

not disclosed in any of the figures. Because the specification does not provide any details for the

"an instruct-to-generate signal" or process connected or related to several other circuits or

processes/devices for generating such a signal, one of ordinary skill would not know the

Applicant's intention as to what is meant by the "instruct-to-generate signal" or how to make and

use such a signal, which is not found in the specification or drawings. Thus, one of ordinary skill

in the art would require undue experimentation and burden to make or use the claimed invention.

Independent claim 3 recites "storing subscriber data" and "generating

subscriber specific data." Applicant's specification goes on to mention:

> However, the present invention provides means and methods for systematically
> inputting and maintaining user specific <u>data at subscriber</u> stations. ·
> (page 448, lines 22-24)

As shown above, applicant's specification however does not even recite the terms "subscriber

data" and "generating subscriber specific data", and such data are not disclosed in any of the

figures. The terms and phrases "subscriber data" and "generating subscriber specific data"

simply do not exist in the specification. Because the specification does not provide any details

for the "subscriber data" and "generating subscriber specific data", one of ordinary skill would

not know the Applicant's intention as to what is meant by the "subscriber data" and "generating

subscriber specific data", or how to make and use such a device, which is not found in the

specification or drawings. Additionally, the claims recite various interconnections and

functional interrelations between the "subscriber data" and other claimed elements, though the

specification again provides no support or disclosure as to what these are or how they function or

how they are actually connected or how the elements function with one another. Without any of

these details, the claimed "subscriber data" and "generating subscriber specific data", could not

be considered to be fully supported and could not satisfy the requirements of 35 U.S.C. 112, first

paragraph. Therefore, one of ordinary skill in the art would require undue experimentation and

burden to make or use the claimed invention. Additionally, the drawings do not show anything

that is labeled (or that apparently corresponds to) "subscriber data" and "generating subscriber

specific data".

Claim 3 also recites receiving "at least one instruct signal."

Applicant's specification however does not even recite the use of "at least one instruct signal",

and such "at least one instruct signal" is not disclosed in any of the figures. Because the

specification does not provide any details for "at least one instruct signal" or process connected

or related to several other circuits or processes that relate to "at least one instruct signal", one of

ordinary skill would not know the Applicant's intention as to what is meant by such a signal or

how to make and implement such a signal in an information delivery apparatus, which is not

found in the specification or drawings. Thus, one of ordinary skill in the art would require undue experimentation and burden to make or use the claimed invention.

Independent claim 7 recites the use of "an interactive image output apparatus". Applicant's specification however does not even recite the use of "an interactive image output apparatus", and such "an apparatus" is not disclosed in any of the figures. Because the specification does not provide any details for "an interactive image output apparatus" or process connected or related to several other circuits or processes that relate to "an interactive image output apparatus", one of ordinary skill would not know the Applicant's intention as to what is meant by such an apparatus or how to make and use such an apparatus, which is not found in the specification or drawings. Thus, one of ordinary skill in the art would require undue experimentation and burden to make or use the claimed invention.

Claim 7 also recites the outputting of "at least one receiver specific datum" Applicant's specification however does not even recite the use of "at least one receiver specific datum", and such "datum" is not disclosed in any of the figures. Because the specification does not provide any details for "at least one receiver specific datum" or process connected or related to several other circuits or processes that relate to "at least one receiver specific datum", one of ordinary skill would not know the Applicant's intention as to what is meant by such datum or how to make and implement such datum in an information delivery apparatus, which is not found in the specification or drawings. Thus, one of ordinary skill in the art would require undue experimentation and burden to make or use the claimed invention.

Claim 7 also recites "one of generating and assembling, in said

network, at least one message which operates at said interactive image output apparatus to

generate a schedule". Applicant's specification goes on to mention:

> Determining that particular incoming programming is scheduled for time
> deferred transmission can cause computer, 73, to cause the recording of said
> programming. For example, computer, 73, receives a given SPAM message that
> contains given "program unit identification code" information and the added
> source mark information of said message identifies distribution amplifier, 67.
> Receiving said message causes computer, 73, to determine, in a predetermined
> fashion, that said "code" information matches particular preprogrammed schedule
> information of programming that is scheduled to be recorded upon receipt and
> transmitted to the field system, 93, at a later time. (Page 329, lines 2-13)

Applicant's specification however does not even recite the process of "one of generating and

assembling, in said network, at least one message which operates at said interactive image output

apparatus to generate a schedule", and such "at least one message" is not disclosed in any of the

figures. Because the specification does not provide any details for "one of generating and

assembling, in said network, at least one message which operates at said interactive image output

apparatus to generate a schedule" or process connected or related to several other circuits or

processes, one of ordinary skill would not know the Applicant's intention as to what is meant by

"one of generating and assembling, in said network, at least one message which operates at said

interactive image output apparatus to generate a schedule" or how to make and use schedule with

the at least one message" that is generated, which is not found in the specification or drawings.

Thus, one of ordinary skill in the art would require undue experimentation and burden to make or

use the claimed invention.

Independent Claim 26 recites "subscriber datum" and "generating at

least some of a schedule by processing said selected subscriber datum" which is found nowhere

within the specification or the drawing figures. Applicant's specification goes on to mention:

> In actuality, the process of controlling computer-based combined media
> operations is continuous and involves systematic inputting and maintaining of
> up-to-date user specific <u>data at each subscriber</u> station. (For example, only
> at subscriber stations where user specific stock data is maintained
> systematically and up-to-date can the program instruction set of the first
> message of the "Wall Street Week" example generate FIG. 1A images that actually
> show the performance of the portfolios of the subscribers of said stations.) (page 448, lines 4-
> 13)

> However, the present invention provides means and methods for systematically
> inputting and maintaining user specific <u>data at subscriber</u> stations.
> (page 448, lines 22-24)

As shown above, applicant's specification however does not even recite the terms "subscriber

datum" and "generating at least some of a schedule by processing said selected subscriber

datum", and such datum are not disclosed in any of the figures. The terms and phrases

"subscriber datum" and "generating at least some of a schedule by processing said selected

subscriber datum" simply do not exist in the specification. Because the specification does not

provide any details for the "subscriber datum" and "generating at least some of a schedule by

processing said selected subscriber datum", one of ordinary skill would not know the Applicant's

intention as to what is meant by the "subscriber datum" and "generating at least some of a

schedule by processing said selected subscriber datum", or how to make and use such a device,

which is not found in the specification or drawings. Additionally, the claims recite various

interconnections and functional interrelations between the "subscriber datum" and other claimed

elements, though the specification again provides no support or disclosure as to what these are or how they function or how they are actually connected or how the elements function with one another. Without any of these details, the claimed "subscriber datum" and "generating at least some of a schedule by processing said selected subscriber datum", could not be considered to be fully supported and could not satisfy the requirements of 35 U.S.C. 112, first paragraph. Therefore, one of ordinary skill in the art would require undue experimentation and burden to make or use the claimed invention. Additionally, the drawings do not show anything that is labeled (or that apparently corresponds to) "subscriber datum" and "generating at least some of a schedule by processing said selected subscriber datum".

Claim 26 also recites "detecting a control signal, said control signal designating a unit of mass medium program material." Applicant's specification however does not even recite the use of "detecting a control signal, said control signal designating a unit of mass medium program material", and such a "control signal designating a unit of mass medium program material" is not disclosed in any of the figures. Because the specification does not provide any details for "detecting a control signal, said control signal designating a unit of mass medium program material" or process connected or related to several other circuits or processes that relate to "detecting a control signal, said control signal designating a unit of mass medium program material", one of ordinary skill would not know the Applicant's intention as to what is meant by such a control signal or how to make and implement such a control signal in an information delivery apparatus, which is not found in the specification or drawings. Thus, one of ordinary skill in the art would require undue experimentation and burden to make or use the claimed invention.

Additionally, the following claimed features set forth in the dependent claims are also not

supported by the specification:

Per claim 8, "said subscriber station further includes a switch" and "controlling said switch to

communicate said signal to one of said memory and said processor"; Per claim 10, "analyzing

said subscriber data to value information included in said mass medium program material"; Per

claim 11, "said instruct-to-generate signal designates a plurality of units of said mass medium

program, material" and "communicating selected portions of said mass medium program

material to at least one specific memory location of said plurality of memory locations"; Per

claim 12, "detecting said output control signal in an information transmission communicated

from a remote transmitter station"; Per claim 14, "storing a module at said subscriber station in

response to said instruct-to-generate signal and "inputting to a remote station data of subscriber

choice in accordance with said module"; Per claim 16, "said information transmission including

said television programming and said instruct-to-generate signal" and "detecting a plurality of

instruct signal types in a code portion of said information transmission, said instruct-to-generate

signal being of a first instruct signal type" and "communicating said instruct-to-generate signal

to said processor" and "controlling said memory to store and output said mass medium program

material based on one or more signals of a second instruct signal type"; Per claim 18, "executing

said software module in response to said at least one instruct signal" and " storing at least one of

meter information and monitor information evidencing processing of said software module"; Per

claim 22, "said at least one message is generated at said remote site and includes higher language

code to be assembled" and "transmitting from said interactive image output

apparatus…..generating said at least one message" and "aggregating in said network…..for

delivering said information" and "transmitting data and an intermediate generation set from at

least one of said plurality of origination transmitter stations in said network" and " said video and

higher language code operative in said network to deliver said information at said output device

and output said information to said subscriber"; Per claim 25, synchronizing delivery of said

generated balance at said television monitor based on said schedule"; Per claim 27, "controlling

a selective transmission device at said subscriber station to communicate said at least one of

video and audio to the output device at said subscriber station; Per claim 28, "an information

transmission including said mass medium program material includes a second control signal"

and "outputting at least one of the receiver….on said second control signal"; Per claim 29,

"controlling a storage device at said subscriber station to play said designated unit of mass

medium program material according to said schedule"; Per claim 30, "organizing programming

stored at said subscriber station to play according to said schedule"; Per claim 33, "analyzing

said stored subscriber datum to value information received in said broadcast or cablecast

distribution system"; Per claim 36, "storing a module at said subscriber station in response to

said control signal" and "communicating one or more data of subscriber choice to a remote

station in accordance with said module."

Thus, one of ordinary skill would not know the Applicant's intention

as to what is meant by such claimed terminology set forth above, and thus, one of ordinary skill

in the art would require undue experimentation and burden to make or use the claimed invention.

The claims repeatedly recite various interconnections and

interrelations between the claimed elements. For example, the claims are reproduced below

(with emphasis added):

2. (Three times amended) A method of <u>controlling</u> the outputting of mass medium
program material at a subscriber station, said subscriber station including an output device, a
memory, a receiver, and a processor, wherein said output device is capable of presenting mass
medium program material, said receiver has a signal output <u>coupled</u> as an input to the processor,
said processor has an output <u>operatively connected to</u> a control input of said memory, and said
memory is <u>operatively connected to</u> said output device for communicating mass medium
program material to said output device, said method comprising the steps of storing mass
medium program material and subscriber data, said subscriber data designating a subject of
interest of a subscriber; <u>receiving</u> an instruct-to-generate signal; generating a schedule by
processing said subscriber data in response to said instruct-to-generate signal; controlling said
memory to communicate said mass medium program material to said output device <u>in</u>
<u>accordance with</u> said schedule; and presenting said communicated mass medium program
material at said output
device.

3. (Three times amended) A method of communicating subscriber station information
from a subscriber station to at least one remote station, said method comprising the steps of (1)
storing subscriber data at a subscriber station; (2) <u>receiving</u> at said subscriber station at least one
instruct signal which is used to generate a schedule and output mass medium program material <u>in</u>
<u>accordance with</u> said schedule;
(3) generating subscriber specific data, said generating at said subscriber station directed by
instructions from said at least one instruct signal;
(4) <u>receiving</u> one of a viewer's and a participant's response to a mass medium presentation at said
subscriber station, said mass medium presentation including said mass medium program
material; and
(5) <u>transferring</u> said subscriber specific data from said subscriber station to at least one remote
station <u>based on said step of receiving</u>.

7. (Three Times Amended) A method for information delivery for use
with an interactive image output apparatus, said interactive image output apparatus having at
least one output device for outputting said information and an input device for receiving input
from a subscriber, said method comprising the steps of
outputting a presentation that explains at least one receiver specific datum, said presentation
including a first sequence of images;
<u>making an offer during said step of outputting</u> with respect to said information;
<u>receiving input</u> from said subscriber at said input device <u>in response to</u> said offer, said interactive
image output apparatus having a transmitter for <u>communicating data</u> to a remote site;

communicating said data to said remote site, said interactive mass medium output apparatus and
said remote site comprising a network having a plurality of transmitter stations;
one of generating and assembling, in said network, at least one message which operates at said
interactive image output apparatus to generate a schedule and to output a second sequence of
images in accordance with said schedule, said interactive image output apparatus having a
receiver for receiving a signal from said remote station; and
delivering said information to said at least one output device based on said at least one message.

        8. (Amended) The method of claim 2, wherein said mass medium program material
includes at least one of video and audio and said subscriber station further includes a switch
operatively connected to said receiver, said method further comprising the steps of: receiving a
signal from a remote station, said signal including said at least one of video and audio; and
controlling said switch to communicate said signal to one of said memory and said processor.

        10. (Twice Amended) The method of claim 2, further comprising the steps of: analyzing
said subscriber data to value information included in said mass medium program material;
selecting at least a portion of said mass medium program material based on said step of
analyzing; and communicating said selected portion of said mass medium program material to
said memory. .

        11. (Twice Amended) The method of claim 2, wherein said instruct-to-generate signal
designates a plurality of units of said mass medium program material, and said memory includes
a plurality of memory locations, said method further comprising the step of:
communicating selected portions of said mass medium program material to at least one specific
memory location of said plurality of memory locations.

        12. (Unchanged) The method of claim 2, wherein said step of controlling said memory to
communicate said mass medium program material is commenced in response to an output
control signal, said method further comprising the step of detecting said output control signal in
an information transmission communicated from a remote transmitter station.

        14. (Twice Amended) The method of claim 2, further comprising the steps of: storing a
module at said subscriber station in response to said instruct-to-generate signal; and inputting to
a remote station data of subscriber choice in accordance with said module, said data of subscriber
choice communicating a response by said subscriber to a combined medium presentation
including said communicated mass medium program material.

        16. (Twice Amended) The method of claim 2, wherein said output device
is capable of outputting television programming and said subscriber station presents at least a
portion of said mass medium program material at said output device one of simultaneously and
sequentially with said television programming, said method further comprising the steps of:
receiving from one of a remote broadcast and a cablecast transmitter station an information
transmission including channels of programming, said information transmission including said
television programming and said instruct-to-generate signal; communicating said television

programming from said receiver to said output device; detecting a plurality of instruct signal types in a code portion of said information transmission, said instruct-to-generate signal being of a first instruct signal type; communicating said instruct-to-generate signal to said processor; and controlling said memory to store and output said mass medium program material based on one or more signals of a second instruct signal type.

18. (Twice Amended) The method of claim 3, further comprising the steps of: storing a software module at said subscriber station; executing said software module in response to said at least one instruct signal; accessing said stored subscriber data under control of said software module; and storing at least one of meter information and monitor information evidencing processing of said software module, said at least one of said meter information and said monitor information is communicated to said at least one remote station.

22. (Twice Amended) The method of claim 7, wherein said at least one message is generated at said remote site and includes higher language code to be assembled at at least one of a remote computer and said interactive image output apparatus, said method further comprising at least one step from the group consisting of transmitting from said interactive image output apparatus one or more subscriber data to serve as a basis for at least one of assembling said higher language code and generating said at least one message, said network including a plurality of origination transmitter stations, said interactive image output apparatus being an origination transmitter station; aggregating in said network subscriber data inputted in response to at least one of said first sequence of video images and said information, said aggregated subscriber data to serve as a basis for delivering said information; transmitting data and an intermediate generation set from at least one of said plurality of origination transmitter stations in said network, said data and said intermediate generation set are operative at at least one of said remote site, said remote computer, and said interactive image output apparatus to perform at least one of (1) processing said higher language code and (2) generating said at least one message; and transmitting video and said higher language code from said at least one of said plurality of origination transmitter stations, said video and higher language code operative in said network to deliver said information at said output device and output said information to said subscriber.

25. (Unchanged) The method of claim 7, wherein said at least one output device includes a television monitor and said interactive image output apparatus receives a portion of a television program, said method further comprising the steps of selecting and passing said portion of a television program to the television monitor for delivery to a user;
generating a balance of a series of complete video images for said television program; and synchronizing delivery of said generated balance at said television monitor based on said schedule.

26. (Amended) A method of controlling the outputting of mass medium program materials at a subscriber station in a broadcast or cablecast distribution system, said broadcast or cablecast distribution system having a transmitter station and one or more subscriber stations, each of said one or more subscriber stations including a receiver, a processor, and an output

device, said broadcast or cablecast distribution system having a computer for storing data and controlling communication of mass medium program materials, said method comprising the steps of
storing mass medium program material and a subscriber datum, said subscriber datum designating a subject of interest to a subscriber;
detecting a control signal, said control signal designating a unit of mass medium program material;
selecting said subscriber datum in response to said control signal;
generating at least some of a schedule by processing said selected subscriber datum in response to said control signal, said generated at least some of a schedule including at least one of the group of
(1) a time to communicate said designated unit of mass medium program material;
(2) a device from which to communicate said designated unit of mass medium program material; and
(3) a device to which to communicate said designated unit of mass medium program material;
communicating said designated unit of mass medium program material at said one or more subscriber stations under processor control based on said schedule; and outputting said communicated unit of mass medium program material at said one or more subscriber stations.

27. (Amended) The method of claim 26, wherein said unit of designated mass medium program material includes at least one of video and audio and said step of communicating includes: tuning the receiver at said subscriber station to receive said at least one of video and audio; and controlling a selective transmission device at said subscriber station to communicate said at least one of video and audio to the output device at said subscriber station.

28. (Amended) The method of claim 26, wherein an information transmission including said mass medium program material includes a second control signal and said step of communicating includes: outputting at least one of the receiver and a first memory at said subscriber station to at least one of the output device at said subscriber station and a second memory based on said second control signal.

29. (Unchanged) The method of claim 26, wherein said step of communicating said designated unit of mass medium program material under processor control includes controlling a storage device at said subscriber station to play said designated unit of mass medium program material according to said schedule, said method further comprising the steps of:
tuning a receiver in said broadcast or cablecast distribution system to receive said designated unit of mass medium program material; communicating said designated unit of mass medium program material to a specific memory location in said broadcast or cablecast distribution system; and controlling said storage device to store said designated unit of mass medium program material.

30. (Amended) The method of claim 26, wherein said subscriber station includes at least one of (1) a plurality of storage devices and (2) a plurality of memory locations and said step of communicating includes organizing programming stored at said subscriber station to play

according to said schedule, said programming including said designated unit of mass medium program material.

33. (Unchanged) The method of claim 26, wherein said stored subscriber datum is at least part of a subscriber budget, analysis, recommended plan, or solution to a problem, said method further comprising the steps of: analyzing said stored subscriber datum to value information received in said broadcast or cablecast distribution system; and selecting said designated unit of mass medium program material based on said step of analyzing.

36. (Unchanged) The method of claim 26, further comprising the steps of storing a module at said subscriber station in response to said control signal; and communicating one or more data of subscriber choice to a remote station in accordance with said module, said one or more data of subscriber choice input by said subscriber in response to a combined medium programming presentation which includes said designated unit of mass medium program material.

Nearly all of the claims in the application contain the same uses of the phrases "controlling", "communicating with", "in accordance with", "in response to", "based on", and "according to" as exemplified above. However, the specification does not support the claimed interconnections (the "controlling" or "communicating" language) of elements nor does the specification support the claimed interrelations (the "in response to", "based on", "according to" language) between the elements. The specification must contain enabling support for each and every claimed interconnection (i.e., all of the elements that are recited as being "controlled" or "communicated with" other elements). Additionally, the specification must contain enabling support for each and every claimed interrelation (i.e., all of the elements that are recited as operating "in response to" or "based on" other elements). The specification fails to support either of these critical elements. The originally filed specification does not disclose the coupling of the claimed elements to one another, nor does it disclose how these elements are "controlling" or "communicating with" one another. Most, if not all, of the claims in the application contain the same uses of the above cited phrases. Even if the specification did recite that the claimed

elements were connected to one another (which it does not), it would still not be enabling as it

must disclose how the elements are connected to one another. The elements that are used to

couple the various elements also need to be disclosed. If the elements used to perform the

coupling are not disclosed, and there is no enabling disclosure as to how the claimed elements

are "communicating with", "controlling", or "based upon" one another, the claimed recitations

can not be considered to be enabled. Further, there are no drawings that show how the claimed

elements are connected to one another or how they interact with one another, there are no

drawings that show the coupling elements or what the coupling elements are and there are no

drawings that show the claimed functions of the variously claimed elements operating "in

response to" one another. Every claimed limitation is to be shown in the drawings, or the

limitation(s) must be canceled from the claim(s). Therefore, one of ordinary skill in the art

would require undue experimentation and burden to make and use the claimed invention.

With respect to the descriptive portions of the specification, applicant fails to describe the

invention in such a fashion which would have been clearly conveyed to persons of ordinary skill

in the art at the time the application was filed.

The Specification is replete with the use of terms "may be", etc. which clearly indicates a

lack of possession.

On page 33 the applicant states "Signal processor, 26, has a controller device which
includes programmable
RAM controller, 20; ROM, 21, that may contain unique digital code information
capable of identifying signal processor, 26."

On page 84 the applicant states "Said signals <u>may</u> be embedded in transmissions at said stations."

On page 196 the applicant states "Automatically control processor, 39J, deletes from memory all information of
said third message, but in so doing, control processor, 39J, <u>may</u> perform
particular functions that are not performed in deleting from memory information
of the first and second messages."

The above examples are reflective of the descriptive portion of the specification, which is **replete** with many brief suggestions for alternative systems without any specifics as to how to construct them. None of these cursory suggestions qualify as enabling disclosures. Terms such as "may be", in describing essential elements of the claimed invention are merely invitations to experiment. Applicant describes operations in broad terms without sufficient details so as to enable one of ordinary skill in the art to carry out the invention without undue experimentation and delay.

These claim limitations are not described in the application as filed. Therefore, the requirement for an adequate written description has not been met.

Specification (Enablement)

IV.   Claims 2, 3, 7, 8, 10-12, 14, 16, 18, 22, 25-30, 33, 36 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Any analysis of whether a particular claim is supported by the disclosure in an application requires a determination of whether that disclosure, when filed, contained sufficient information regarding the subject matter of the claims as to enable one skilled in the pertinent art

to make and use the claimed invention. The test of enablement is whether one skilled in the art

could make or use the claimed invention from the disclosures in the patent coupled with

information known in the art without undue experimentation. United States v. Telectronics, Inc.

, 857 F.2d 778, 8 USPQ2d 1217 (Fed. Cir. 1988); In re Stephens , 529 F.2d 1343, 188 USPQ

659 (CCPA 1976); In re Wands , 858 F.2d 731, 8 USPQ2d 1400 (Fed. Cir. 1988).

The claims are reproduced below:

2. (Three times amended) A method of controlling the outputting of mass medium
program material at a subscriber station, said subscriber station including an output device, a
memory, a receiver, and a processor, wherein said output device is capable of presenting mass
medium program material, said receiver has a signal output coupled as an input to the processor,
said processor has an output operatively connected to a control input of said memory, and said
memory is operatively connected to said output device for communicating mass medium
program material to said output device, said method comprising the steps of storing mass
medium program material and subscriber data, said subscriber data designating a subject of
interest of a subscriber; receiving an instruct-to-generate signal; generating a schedule by
processing said subscriber data in response to said instruct-to-generate signal; controlling said
memory to communicate said mass medium program material to said output device in
accordance with said schedule; and presenting said communicated mass medium program
material at said output
device.

3. (Three times amended) A method of communicating subscriber station information
from a subscriber station to at least one remote station, said method comprising the steps of (1)
storing subscriber data at a subscriber station; (2) receiving at said subscriber station at least one
instruct signal which is used to generate a schedule and output mass medium program material in
accordance with said schedule;
(3) generating subscriber specific data, said generating at said subscriber station directed by
instructions from said at least one instruct signal;
(4) receiving one of a viewer's and a participant's response to a mass medium presentation at said
subscriber station, said mass medium presentation including said mass medium program
material; and
(5) transferring said subscriber specific data from said subscriber station to at least one remote
station based on said step of receiving.

7. (Three Times Amended) A method for information delivery for use
with an interactive image output apparatus, said interactive image output apparatus having at
least one output device for outputting said information and an input device for receiving input
from a subscriber, said method comprising the steps of

outputting a presentation that explains at least one receiver specific datum, said presentation
including a first sequence of images;
making an offer during said step of outputting with respect to said information;
receiving input from said subscriber at said input device in response to said offer, said interactive
image output apparatus having a transmitter for communicating data to a remote site;
communicating said data to said remote site, said interactive mass medium output apparatus and
said remote site comprising a network having a plurality of transmitter stations;
one of generating and assembling, in said network, at least one message which operates at said
interactive image output apparatus to generate a schedule and to output a second sequence of
images in accordance with said schedule, said interactive image output apparatus having a
receiver for receiving a signal from said remote station; and
delivering said information to said at least one output device based on said at least one message.

8. (Amended) The method of claim 2, wherein said mass medium program material
includes at least one of video and audio and said subscriber station further includes a switch
operatively connected to said receiver, said method further comprising the steps of: receiving a
signal from a remote station, said signal including said at least one of video and audio; and
controlling said switch to communicate said signal to one of said memory and said processor.

10. (Twice Amended) The method of claim 2, further comprising the steps of: analyzing
said subscriber data to value information included in said mass medium program material;
selecting at least a portion of said mass medium program material based on said step of
analyzing; and communicating said selected portion of said mass medium program material to
said memory.

11. (Twice Amended) The method of claim 2, wherein said instruct-to-generate signal
designates a plurality of units of said mass medium program material, and said memory includes
a plurality of memory locations, said method further comprising the step of:
communicating selected portions of said mass medium program material to at least one specific
memory location of said plurality of memory locations.

12. (Unchanged) The method of claim 2, wherein said step of controlling said memory to
communicate said mass medium program material is commenced in response to an output
control signal, said method further comprising the step of detecting said output control signal in
an information transmission communicated from a remote transmitter station.

14. (Twice Amended) The method of claim 2, further comprising the steps of: storing a
module at said subscriber station in response to said instruct-to-generate signal; and inputting to
a remote station data of subscriber choice in accordance with said module, said data of subscriber
choice communicating a response by said subscriber to a combined medium presentation
including said communicated mass medium program material.

16. (Twice Amended) The method of claim 2, wherein said output device

is capable of outputting television programming and said subscriber station presents at least a
portion of said mass medium program material at said output device one of simultaneously and
sequentially with said television programming, said method further comprising the steps of:
receiving from one of a remote broadcast and a cablecast transmitter station an information ·
transmission including channels of programming, said information transmission including said
television programming and said instruct-to-generate signal; communicating said television
programming from said receiver to said output device; detecting a plurality of instruct signal
types in a code portion of said information transmission, said instruct-to-generate signal being of
a first instruct signal type; communicating said instruct-to-generate signal to said processor; and
controlling said memory to store and output said mass medium program material based on one or
more signals of a second instruct signal type.

18. (Twice Amended) The method of claim 3, further comprising the steps of: storing a
software module at said subscriber station; executing said software module in response to said at
least one instruct signal; accessing said stored subscriber data under control of said software
module; and storing at least one of meter information and monitor information evidencing
processing of said software module, said at least one of said meter information and said monitor
information is communicated to said at least one remote station.

22. (Twice Amended) The method of claim 7, wherein said at least one message is
generated at said remote site and includes higher language code to be assembled at at least one of
a remote computer and said interactive image output apparatus, said method further comprising
at least one step from the group consisting of transmitting from said interactive image output
apparatus one or more subscriber data to serve as a basis for at least one of assembling said
higher language code and generating said at least one message, said network including a plurality
of origination transmitter stations, said interactive image output apparatus being an origination
transmitter station; aggregating in said network subscriber data inputted in response to at least
one of said first sequence of video images and said information, said aggregated subscriber data
to serve as a basis for delivering said information; transmitting data and an intermediate
generation set from at least one of said plurality of origination transmitter stations in said
network, said data and said intermediate generation set are operative at at least one of said
remote site, said remote computer, and said interactive image output apparatus to perform at least
one of (1) processing said higher language code and (2) generating said at least one message; and
transmitting video and said higher language code from said at least one of said plurality of
origination transmitter stations, said video and higher language code operative in said network to
deliver said information at said output device and output said
information to said subscriber.

25. (Unchanged) The method of claim 7, wherein said at least one output device includes
a television monitor and said interactive image output apparatus receives a portion of a television
program, said method further comprising the steps of selecting and passing said portion of a
television program to the television monitor for delivery to a user;
generating a balance of a series of complete video images for said television program; and

synchronizing delivery of said generated balance at said television monitor based on said schedule.

26. (Amended) A method of controlling the outputting of mass medium program materials at a subscriber station in a broadcast or cablecast distribution system, said broadcast or cablecast distribution system having a transmitter station and one or more subscriber stations, each of said one or more subscriber stations including a receiver, a processor, and an output device, said broadcast or cablecast distribution system having a computer for storing data and controlling communication of mass medium program materials, said method comprising the steps of
storing mass medium program material and a subscriber datum, said subscriber datum designating a subject of interest to a subscriber;
detecting a control signal, said control signal designating a unit of mass medium program material;
selecting said subscriber datum in response to said control signal;
generating at least some of a schedule by processing said selected subscriber datum in response to said control signal, said generated at least some of a schedule including at least one of the group of
(1) a time to communicate said designated unit of mass medium program material;
(2) a device from which to communicate said designated unit of mass medium program material; and
(3) a device to which to communicate said designated unit of mass medium program material;
communicating said designated unit of mass medium program material at said one or more subscriber stations under processor control based on said schedule; and outputting said communicated unit of mass medium program material at said one or more subscriber stations.

27. (Amended) The method of claim 26, wherein said unit of designated mass medium program material includes at least one of video and audio and said step of communicating includes: tuning the receiver at said subscriber station to receive said at least one of video and audio; and controlling a selective transmission device at said subscriber station to communicate said at least one of video and audio to the output device at said subscriber station.

28. (Amended) The method of claim 26, wherein an information transmission including said mass medium program material includes a second control signal and said step of communicating includes: outputting at least one of the receiver and a first memory at said subscriber station to at least one of the output device at said subscriber station and a second memory based on said second control signal.

29. (Unchanged) The method of claim 26, wherein said step of communicating said designated unit of mass medium program material under processor control includes controlling a storage device at said subscriber station to play said designated unit of mass medium program material according to said schedule, said method further comprising the steps of:
tuning a receiver in said broadcast or cablecast distribution system to receive said designated unit of mass medium program material; communicating said designated unit of mass medium

program material to a specific memory location in said broadcast or cablecast distribution system; and controlling said storage device to store said designated unit of mass medium program material.

30. (Amended) The method of claim 26, wherein said subscriber station includes at least one of (1) a plurality of storage devices and (2) a plurality of memory locations and said step of communicating includes organizing programming stored at said subscriber station to play according to said schedule, said programming including said designated unit of mass medium program material.

33. (Unchanged) The method of claim 26, wherein said stored subscriber datum is at least part of a subscriber budget, analysis, recommended plan, or solution to a problem, said method further comprising the steps of: analyzing said stored subscriber datum to value information received in said broadcast or cablecast distribution system; and selecting said designated unit of mass medium program material based on said step of analyzing.

36. (Unchanged) The method of claim 26, further comprising the steps of storing a module at said subscriber station in response to said control signal; and communicating one or more data of subscriber choice to a remote station in accordance with said module, said one or more data of subscriber choice input by said subscriber in response to a combined medium programming presentation which includes said designated unit of mass medium program material.

However, in Applicant's specification, nowhere is the claimed

invention disclosed expressly, implicitly or inherently, which would enable one of ordinary skill

in the art to make and/or use the invention. In fact, the critical components and features called

for in the claims are nowhere to be found either in the specification or in the drawing figures.

For example, independent claim 2 recites "storing mass medium

program material and subscriber data, said subscriber data designating a subject of interest of a

subscriber" which are found nowhere within the specification or the drawing figures.

Applicant's specification goes on to mention:

In actuality, the process of controlling computer-based combined media operations is continuous and involves systematic inputting and maintaining of up-to-date user specific data at each subscriber station. (For example, only

at subscriber stations where user specific stock data is maintained
systematically and up-to-date can the program instruction set of the first
message of the "Wall Street Week" example generate FIG. 1A images that actually
show the performance of the portfolios of the subscribers of said stations.) (page 448, lines 4-
13)

   However, the present invention provides means and methods for systematically
inputting and maintaining user specific data at subscriber stations.
(page 448, lines 22-24)

As shown above, applicant's specification however does not even recite the terms "subscriber

data" and "designating a subject of interest of a subscriber", and such data are not disclosed in

any of the figures. The terms and phrases "subscriber data" and "designating a subject of interest

of a subscriber" simply do not exist in the specification. Because the specification does not

provide any details for the "subscriber data" and "designating a subject of interest of a

subscriber", one of ordinary skill would not know the Applicant's intention as to what is meant

by the "subscriber data" and "designating a subject of interest of a subscriber", or how to make

and use such a device, which is not found in the specification or drawings. Additionally, the

claims recite various interconnections and functional interrelations between the "subscriber data"

and other claimed elements, though the specification again provides no support or disclosure as

to what these are or how they function or how they are actually connected or how the elements

function with one another. Without any of these details, the claimed "subscriber data" and

"designating a subject of interest of a subscriber", could not be considered to be fully supported

and could not satisfy the requirements of 35 U.S.C. 112, first paragraph. Therefore, one of

ordinary skill in the art would require undue experimentation and burden to make or use the

claimed invention. Additionally, the drawings do not show anything that is labeled (or that

apparently corresponds to) "subscriber data" and "designating a subject of interest of a

subscriber".

Claim 2 also recites, "receiving an instruct-to-generate signal".

Applicant's specification makes no reference to any receipt of "an instruct-to-generate signal"

nor does the specification even recite the term "an instruct-to-generate signal", and such signal is

not disclosed in any of the figures. Because the specification does not provide any details for the

"an instruct-to-generate signal" or process connected or related to several other circuits or

processes/devices for generating such a signal, one of ordinary skill would not know the

Applicant's intention as to what is meant by the "instruct-to-generate signal" or how to make and

use such a signal, which is not found in the specification or drawings. Thus, one of ordinary skill

in the art would require undue experimentation and burden to make or use the claimed invention.

Independent claim 3 recites "storing subscriber data" and "generating

subscriber specific data." Applicant's specification gores on to mention:

> However, the present invention provides means and methods for systematically
> inputting and maintaining user specific data at subscriber stations.
> (page 448, lines 22-24)

As shown above, applicant's specification however does not even recite the terms "subscriber

data" and "generating subscriber specific data", and such data are not disclosed in any of the

figures. The terms and phrases "subscriber data" and "generating subscriber specific data"

simply do not exist in the specification. Because the specification does not provide any details

for the "subscriber data" and "generating subscriber specific data", one of ordinary skill would

not know the Applicant's intention as to what is meant by the "subscriber data" and "generating

subscriber specific data", or how to make and use such a device, which is not found in the

specification or drawings. Additionally, the claims recite various interconnections and

functional interrelations between the "subscriber data" and other claimed elements, though the

specification again provides no support or disclosure as to what these are or how they function or

how they are actually connected or how the elements function with one another. Without any of

these details, the claimed "subscriber data" and "generating subscriber specific data", could not

be considered to be fully supported and could not satisfy the requirements of 35 U.S.C. 112, first

paragraph. Therefore, one of ordinary skill in the art would require undue experimentation and

burden to make or use the claimed invention. Additionally, the drawings do not show anything

that is labeled (or that apparently corresponds to) "subscriber data" and "generating subscriber

specific data".

Claim 3 also recites receiving "at least one instruct signal."

Applicant's specification however does not even recite the use of "at least one instruct signal",

and such "at least one instruct signal" is not disclosed in any of the figures. Because the

specification does not provide any details for "at least one instruct signal" or process connected

or related to several other circuits or processes that relate to "at least one instruct signal", one of

ordinary skill would not know the Applicant's intention as to what is meant by such a signal or

how to make and implement such a signal in an information delivery apparatus, which is not

found in the specification or drawings. Thus, one of ordinary skill in the art would require undue

experimentation and burden to make or use the claimed invention.

Independent claim 7 recites the use of "an interactive image output

apparatus". Applicant's specification however does not even recite the use of "an interactive

image output apparatus", and such "an apparatus" is not disclosed in any of the figures. Because

the specification does not provide any details for "an interactive image output apparatus" or

process connected or related to several other circuits or processes that relate to "an interactive

image output apparatus", one of ordinary skill would not know the Applicant's intention as to

what is meant by such an apparatus or how to make and use such an apparatus, which is not

found in the specification or drawings. Thus, one of ordinary skill in the art would require undue

experimentation and burden to make or use the claimed invention.

          Claim 7 also recites the outputting of "at least one receiver specific

datum" Applicant's specification however does not even recite the use of "at least one receiver

specific datum", and such "datum" is not disclosed in any of the figures. Because the

specification does not provide any details for "at least one receiver specific datum" or process

connected or related to several other circuits or processes that relate to "at least one receiver

specific datum", one of ordinary skill would not know the Applicant's intention as to what is

meant by such datum or how to make and implement such datum in an information delivery

apparatus, which is not found in the specification or drawings. Thus, one of ordinary skill in the

art would require undue experimentation and burden to make or use the claimed invention.

          Claim 7 also recites "one of generating and assembling, in said

network, at least one message which operates at said interactive image output apparatus to

generate a schedule". Applicant's specification goes on to mention:

> Determining that particular incoming programming is scheduled for time
> deferred transmission can cause computer, 73, to cause the recording of said
> programming. For example, computer, 73, receives a given SPAM message that
> contains given "program unit identification code" information and the added
> source mark information of said message identifies distribution amplifier, 67.
> Receiving said message causes computer, 73, to determine, in a predetermined
> fashion, that said "code" information matches particular preprogrammed schedule

information of programming that is scheduled to be recorded upon receipt and
transmitted to the field system, 93, at a later time. (Page 329, lines 2-13)

Applicant's specification however does not even recite the process of "one of generating and

assembling, in said network, at least one message which operates at said interactive image output

apparatus to generate a schedule", and such "at least one message" is not disclosed in any of the

figures. Because the specification does not provide any details for "one of generating and

assembling, in said network, at least one message which operates at said interactive image output

apparatus to generate a schedule" or process connected or related to several other circuits or

processes, one of ordinary skill would not know the Applicant's intention as to what is meant by

"one of generating and assembling, in said network, at least one message which operates at said

interactive image output apparatus to generate a schedule" or how to make and use schedule with

the at least one message" that is generated, which is not found in the specification or drawings.

Thus, one of ordinary skill in the art would require undue experimentation and burden to make or

use the claimed invention.

Independent Claim 26 recites "subscriber datum" and "generating at

least some of a schedule by processing said selected subscriber datum" which is found nowhere

within the specification or the drawing figures. Applicant's specification goes on to mention:

    In actuality, the process of controlling computer-based combined media
operations is continuous and involves systematic inputting and maintaining of
up-to-date user specific data at each subscriber station. (For example, only
at subscriber stations where user specific stock data is maintained
systematically and up-to-date can the program instruction set of the first
message of the "Wall Street Week" example generate FIG. 1A images that actually
show the performance of the portfolios of the subscribers of said stations.) (page 448, lines 4-
13)

> However, the present invention provides means and methods for systematically inputting and maintaining user specific <u>data at subscriber</u> stations.
> (page 448, lines 22-24)

As shown above, applicant's specification however does not even recite the terms "subscriber datum" and "generating at least some of a schedule by processing said selected subscriber datum", and such datum are not disclosed in any of the figures. The terms and phrases "subscriber datum" and "generating at least some of a schedule by processing said selected subscriber datum" simply do not exist in the specification. Because the specification does not provide any details for the "subscriber datum" and "generating at least some of a schedule by processing said selected subscriber datum", one of ordinary skill would not know the Applicant's intention as to what is meant by the "subscriber datum" and "generating at least some of a schedule by processing said selected subscriber datum", or how to make and use such a device, which is not found in the specification or drawings. Additionally, the claims recite various interconnections and functional interrelations between the "subscriber datum" and other claimed elements, though the specification again provides no support or disclosure as to what these are or how they function or how they are actually connected or how the elements function with one another. Without any of these details, the claimed "subscriber datum" and "generating at least some of a schedule by processing said selected subscriber datum", could not be considered to be fully supported and could not satisfy the requirements of 35 U.S.C. 112, first paragraph. Therefore, one of ordinary skill in the art would require undue experimentation and burden to make or use the claimed invention. Additionally, the drawings do not show anything that is labeled (or that apparently corresponds to) "subscriber datum" and "generating at least some of a schedule by processing said selected subscriber datum".

Claim 26 also recites "detecting a control signal, said control signal designating a unit of mass medium program material." Applicant's specification however does not even recite the use of "detecting a control signal, said control signal designating a unit of mass medium program material", and such a "control signal designating a unit of mass medium program material" is not disclosed in any of the figures. Because the specification does not provide any details for "detecting a control signal, said control signal designating a unit of mass medium program material" or process connected or related to several other circuits or processes that relate to "detecting a control signal, said control signal designating a unit of mass medium program material", one of ordinary skill would not know the Applicant's intention as to what is meant by such a control signal or how to make and implement such a control signal in an information delivery apparatus, which is not found in the specification or drawings. Thus, one of ordinary skill in the art would require undue experimentation and burden to make or use the claimed invention.

Additionally, the following claimed features set forth in the dependent claims are also not supported by the specification and thus lack an enabling disclosure:

Per claim 8, "said subscriber station further includes a switch" and "controlling said switch to communicate said signal to one of said memory and said processor"; Per claim 10, "analyzing said subscriber data to value information included in said mass medium program material"; Per claim 11, "said instruct-to-generate signal designates a plurality of units of said mass medium program, material" and "communicating selected portions of said mass medium program material to at least one specific memory location of said plurality of memory locations"; Per

claim 12, "detecting said output control signal in an information transmission communicated

from a remote transmitter station"; Per claim 14, "storing a module at said subscriber station in

response to said instruct-to-generate signal and "inputting to a remote station data of subscriber

choice in accordance with said module"; Per claim 16, "said information transmission including

said television programming and said instruct-to-generate signal" and "detecting a plurality of

instruct signal types in a code portion of said information transmission, said instruct-to-generate

signal being of a first instruct signal type" and "communicating said instruct-to-generate signal

to said processor" and "controlling said memory to store and output said mass medium program

material based on one or more signals of a second instruct signal type"; Per claim 18, "executing

said software module in response to said at least one instruct signal" and " storing at least one of

meter information and monitor information evidencing processing of said software module"; Per

claim 22, "said at least one message is generated at said remote site and includes higher language

code to be assembled" and "transmitting from said interactive image output

apparatus.....generating said at least one message" and "aggregating in said network.....for

delivering said information" and "transmitting data and an intermediate generation set from at

least one of said plurality of origination transmitter stations in said network" and " said video and

higher language code operative in said network to deliver said information at said output device

and output said information to said subscriber"; Per claim 25, synchronizing delivery of said

generated balance at said television monitor based on said schedule"; Per claim 27, "controlling

a selective transmission device at said subscriber station to communicate said at least one of

video and audio to the output device at said subscriber station; Per claim 28, "an information

transmission including said mass medium program material includes a second control signal"

and "outputting at least one of the receiver....on said second control signal"; Per claim 29,

"controlling a storage device at said subscriber station to play said designated unit of mass

medium program material according to said schedule"; Per claim 30, "organizing programming

stored at said subscriber station to play according to said schedule"; Per claim 33, "analyzing

said stored subscriber datum to value information received in said broadcast or cablecast

distribution system"; Per claim 36, "storing a module at said subscriber station in response to

said control signal" and "communicating one or more data of subscriber choice to a remote

station in accordance with said module."

Thus, one of ordinary skill would not know the Applicant's intention

as to what is meant by such claimed terminology set forth above, and thus, one of ordinary skill

in the art would require undue experimentation and burden to make or use the claimed invention.

The claims repeatedly recite various interconnections and

interrelations between the claimed elements. For example, the claims are reproduced below

(with emphasis added):

2. (Three times amended) A method of <u>controlling</u> the outputting of mass medium
program material at a subscriber station, said subscriber station including an output device, a
memory, a receiver, and a processor, wherein said output device is capable of presenting mass
medium program material, said receiver has a signal output <u>coupled</u> as an input to the processor,
said processor has an output <u>operatively connected to</u> a control input of said memory, and said
memory is <u>operatively connected to</u> said output device for communicating mass medium
program material to said output device, said method comprising the steps of storing mass
medium program material and subscriber data, said subscriber data designating a subject of
interest of a subscriber; <u>receiving</u> an instruct-to-generate signal; generating a schedule by
processing said subscriber data in response to said instruct-to-generate signal; controlling said
memory to communicate said mass medium program material to said output device <u>in</u>
<u>accordance with</u> said schedule; and presenting said communicated mass medium program
material at said output
device.

3. (Three times amended) A method of communicating subscriber station information from a subscriber station to at least one remote station, said method comprising the steps of (1) storing subscriber data at a subscriber station; (2) <u>receiving</u> at said subscriber station at least one instruct signal which is used to generate a schedule and output mass medium program material <u>in accordance with</u> said schedule;

(3) generating subscriber specific data, said generating at said subscriber station directed by instructions from said at least one instruct signal;

(4) <u>receiving</u> one of a viewer's and a participant's response to a mass medium presentation at said subscriber station, said mass medium presentation including said mass medium program material; and

(5) <u>transferring</u> said subscriber specific data from said subscriber station to at least one remote station <u>based on said step of receiving</u>.

7. (Three Times Amended) A method for information delivery for use with an interactive image output apparatus, said interactive image output apparatus having at least one output device for outputting said information and an input device for receiving input from a subscriber, said method comprising the steps of

outputting a presentation that explains at least one receiver specific datum, said presentation including a first sequence of images;

<u>making an offer during said step of outputting</u> with respect to said information;

<u>receiving input</u> from said subscriber at said input device <u>in response to</u> said offer, said interactive image output apparatus having a transmitter for <u>communicating data</u> to a remote site;

communicating said data to said remote site, said interactive mass medium output apparatus and said remote site comprising a network having a plurality of transmitter stations;

one of <u>generating and assembling</u>, in said network, at least one message which operates at said interactive image output apparatus to generate a schedule and to output a second sequence of images in accordance with said schedule, said interactive image output apparatus having a receiver for receiving a signal from said remote station; and

<u>delivering</u> said information to said at least one output device <u>based on</u> said at least one message.

8. (Amended) The method of claim 2, wherein said mass medium program material includes at least one of video and audio and said subscriber station further includes <u>a switch operatively connected to said receiver</u>, said method further comprising the steps of: <u>receiving</u> a signal from a remote station, said signal including said at least one of video and audio; and <u>controlling said switch</u> to communicate said signal to one of said memory and said processor.

10. (Twice Amended) The method of claim 2, further comprising the steps of: analyzing said subscriber data to value information included in said mass medium program material; selecting at least a portion of said mass medium program material based on said step of analyzing; and <u>communicating said selected portion</u> of said mass medium program material to said memory.

11. (Twice Amended) The method of claim 2, wherein said instruct-to-generate signal designates a plurality of units of said mass medium program material, and said memory includes a plurality of memory locations, said method further comprising the step of: communicating selected portions of said mass medium program material to at least one specific memory location of said plurality of memory locations.

12. (Unchanged) The method of claim 2, wherein said step of controlling said memory to communicate said mass medium program material is commenced in response to an output control signal, said method further comprising the step of detecting said output control signal in an information transmission communicated from a remote transmitter station.

14. (Twice Amended) The method of claim 2, further comprising the steps of: storing a module at said subscriber station in response to said instruct-to-generate signal; and inputting to a remote station data of subscriber choice in accordance with said module, said data of subscriber choice communicating a response by said subscriber to a combined medium presentation including said communicated mass medium program material.

16. (Twice Amended) The method of claim 2, wherein said output device is capable of outputting television programming and said subscriber station presents at least a portion of said mass medium program material at said output device one of simultaneously and sequentially with said television programming, said method further comprising the steps of: receiving from one of a remote broadcast and a cablecast transmitter station an information transmission including channels of programming, said information transmission including said television programming and said instruct-to-generate signal; communicating said television programming from said receiver to said output device; detecting a plurality of instruct signal types in a code portion of said information transmission, said instruct-to-generate signal being of a first instruct signal type; communicating said instruct-to-generate signal to said processor; and controlling said memory to store and output said mass medium program material based on one or more signals of a second instruct signal type.

18. (Twice Amended) The method of claim 3, further comprising the steps of: storing a software module at said subscriber station; executing said software module in response to said at least one instruct signal; accessing said stored subscriber data under control of said software module; and storing at least one of meter information and monitor information evidencing processing of said software module, said at least one of said meter information and said monitor information is communicated to said at least one remote station.

22. (Twice Amended) The method of claim 7, wherein said at least one message is generated at said remote site and includes higher language code to be assembled at at least one of a remote computer and said interactive image output apparatus, said method further comprising at least one step from the group consisting of transmitting from said interactive image output apparatus one or more subscriber data to serve as a basis for at least one of assembling said higher language code and generating said at least one message, said network including a plurality of origination transmitter stations, said interactive image output apparatus being an origination

transmitter station; <u>aggregating</u> in said network subscriber data inputted <u>in response to</u> at least one of said first sequence of video images and said information, said aggregated subscriber data to serve as a basis for delivering said information; transmitting data and an intermediate generation set from at least one of said plurality of origination transmitter stations in said network, said data and said intermediate generation set are operative at at least one of said remote site, said remote computer, and said interactive image output apparatus to perform at least one of (1) processing said higher language code and (2) generating said at least one message; and <u>transmitting</u> video and said higher language code from said at least one of said plurality of origination transmitter stations, said video and higher language code operative in said network to deliver said information at said output device and output said
information to said subscriber.

        25. (Unchanged) The method of claim 7, wherein said at least one output device includes a television monitor and said interactive image output apparatus receives a portion of a television program, said method further comprising the steps of selecting and passing said portion of a television program to the television monitor for delivery to a user;
<u>generating</u> a balance of a series of complete video images for said television program; and <u>synchronizing delivery</u> of said generated balance at said television monitor <u>based on</u> said schedule.

        26. (Amended) A method of controlling the outputting of mass medium program materials at a subscriber station in a broadcast or cablecast distribution system, said broadcast or cablecast distribution system having a transmitter station and one or more subscriber stations, each of said one or more subscriber stations including a receiver, a processor, and an output device, said broadcast or cablecast distribution system having a computer for storing data and controlling communication of mass medium program materials, said method comprising the steps of
storing mass medium program material and a subscriber datum, said subscriber datum designating a subject of interest to a subscriber;
detecting a control signal, said control signal designating a unit of mass medium program material;
<u>selecting</u> said subscriber datum <u>in response to</u> said control signal;
<u>generating</u> at least some of a schedule by processing said selected subscriber datum <u>in response to</u> said control signal, said generated at least some of a schedule including at least one of the group of
(1) a time to communicate said designated unit of mass medium program material;
(2) a device from which to communicate said designated unit of mass medium program material; and
(3) a device to which to communicate said designated unit of mass medium program material;
<u>communicating</u> said designated unit of mass medium program material at said one or more subscriber stations under processor control <u>based on</u> said schedule; and outputting said communicated unit of mass medium program material at said one or more subscriber stations.

27. (Amended) The method of claim 26, wherein said unit of designated mass medium program material includes at least one of video and audio and said step of communicating includes: tuning the receiver at said subscriber station to receive said at least one of video and audio; and <u>controlling</u> a selective transmission device at said subscriber station to communicate said at least one of video and audio to the output device at said subscriber station.

28. (Amended) The method of claim 26, wherein an information transmission including said mass medium program material includes a second control signal and said step of communicating includes: <u>outputting</u> at least one of the receiver and a first memory at said subscriber station to at least one of the output device at said subscriber station and a second memory <u>based on</u> said second control signal.

29. (Unchanged) The method of claim 26, wherein said step of communicating said designated unit of mass medium program material under processor control includes <u>controlling</u> a storage device at said subscriber station to play said designated unit of mass medium program material <u>according to</u> said schedule, said method further comprising the steps of:
tuning a receiver in said broadcast or cablecast distribution system to receive said designated unit of mass medium program material; communicating said designated unit of mass medium program material to a specific memory location in said broadcast or cablecast distribution system; and controlling said storage device to store said designated unit of mass medium program material.

30. (Amended) The method of claim 26, wherein said subscriber station includes at least one of (1) a plurality of storage devices and (2) a plurality of memory locations and said step of communicating includes <u>organizing</u> programming stored at said subscriber station to play according to said schedule, said programming including said designated unit of mass medium program material.

33. (Unchanged) The method of claim 26, wherein said stored subscriber datum is at least part of a subscriber budget, analysis, recommended plan, or solution to a problem, said method further comprising the steps of: analyzing said stored subscriber datum to value information received in said broadcast or cablecast distribution system; and <u>selecting</u> said designated unit of mass medium program material <u>based on said step of analyzing</u>.

36. (Unchanged) The method of claim 26, further comprising the steps of <u>storing</u> a module at said subscriber station <u>in response to</u> said control signal; and
<u>communicating</u> one or more data of subscriber choice to a remote station <u>in accordance with</u> said module, said one or more data of subscriber choice <u>input</u> by said subscriber <u>in response to</u> a combined medium programming presentation which includes said designated unit of mass medium program material.

Nearly all of the claims in the application contain the same uses of the phrases "controlling",

"communicating with", "in accordance with", "in response to", "based on", and "according to"

as exemplified above. However, the specification does not support the claimed interconnections

(the "controlling" or "communicating" language) of elements nor does the specification support

the claimed interrelations (the "in response to", "based on", "according to" language) between

the elements. The specification must contain enabling support for each and every claimed

interconnection (i.e., all of the elements that are recited as being "controlled" or "communicated

with" other elements). Additionally, the specification must contain enabling support for each

and every claimed interrelation (i.e., all of the elements that are recited as operating "in response

to" or "based on" other elements). The specification fails to support either of these critical

elements. The originally filed specification does not disclose the coupling of the claimed

elements to one another, nor does it disclose how these elements are "controlling" or

"communicating with" one another. Most, if not all, of the claims in the application contain the

same uses of the above cited phrases. Even if the specification did recite that the claimed

elements were connected to one another (which it does not), it would still not be enabling as it

must disclose how the elements are connected to one another. The elements that are used to

couple the various elements also need to be disclosed. If the elements used to perform the

coupling are not disclosed, and there is no enabling disclosure as to how the claimed elements

are "communicating with", "controlling", or "based upon" one another, the claimed recitations

can not be considered to be enabled. Further, there are no drawings that show how the claimed

elements are connected to one another or how they interact with one another, there are no

drawings that show the coupling elements or what the coupling elements are and there are no

drawings that show the claimed functions of the variously claimed elements operating "in

response to" one another. Every claimed limitation is to be shown in the drawings, or the

limitation(s) must be canceled from the claim(s). Therefore, one of ordinary skill in the art

would require undue experimentation and burden to make and use the claimed invention.

With respect to the descriptive portions of the specification, applicant fails to describe the

invention in such a fashion which would have been clearly conveyed to persons of ordinary skill

in the art at the time the application was filed.

The Specification is replete with the use of terms "may be", etc. which clearly indicates a

lack of possession.

On page 33 the applicant states "Signal processor, 26, has a controller device which
includes programmable
RAM controller, 20; ROM, 21, that may contain unique digital code information
capable of identifying signal processor, 26."

On page 84 the applicant states "Said signals may be embedded in transmissions at said

stations."

On page 196 the applicant states "Automatically control processor, 39J, deletes from
memory all information of
said third message, but in so doing, control processor, 39J, may perform
particular functions that are not performed in deleting from memory information
of the first and second messages."

The above examples are reflective of the descriptive portion of the specification, which is

replete with many brief suggestions for alternative systems without any specifics as to how to

construct them. None of these cursory suggestions qualify as enabling disclosures. Terms such

as "may be", in describing essential elements of the claimed invention are merely invitations to

experiment. Applicant describes operations in broad terms without sufficient details so as to

enable one of ordinary skill in the art to carry out the invention without undue experimentation

and delay.

These claim limitations are not described in the application as filed. Therefore, the

requirement for an adequate written description has not been met.

Claim Rejections - 35 USC § 102

V   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

Claims 3 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Gomersall

(US Pat 4630108). Gomersall disclosed a system for generating and communicating subscriber

station information from subscriber stations to one or more remote stations. The system

comprised means, located at the subscriber station(s) illustrated in figure 4, which operate: a) to

have stored subscriber data at a subscriber station (@66,70); b) to have received, at a subscriber

station, one or more instruct signals which were used in order to have produced a schedule for

generating and outputting a combined display comprised of subscriber specific data and mass

medium program material [i.e. the digital data, provided from a receiver/decoder (22,56,60) or

from modem 80, which controlled the generation and output of various types of data so as to

have produced a combined presentation specific to each subscriber]. SEE: lines 14-39 of column

9; and lines 53-57 of column 10. c) to have received subscriber's responses to the displayed

programming and to have transferred said received responses to a remote station [i.e. the

subscribers responded to the combined display by purchasing merchandise and a record of these

purchases was transferred to a remote station for analysis]. Note: lines 39-47 of column 6; and

57-66 of column 9. With respect to claim 18, it is noted that CPU (66) at least inherently

controlled all of the above listed operations of the subscriber station via locally stored software

modules.

<div align="center">Claim Rejections - 35 USC § 103</div>

VI   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wine

(GB 2140963). As is shown in figure 2, Wine disclosed a "subscriber playback station" which

comprised: a) an output device (20); b) a storage device (10) which included a stylus assembly

(14) for retrieving stored information from a memory (12); a receiver (16) for receiving the

retrieved information; and a processor (18, 25) for processing the retrieved information. More

specifically, the system comprised: 1) said memory (12) for storing a plurality of video program

segments representing displayable "mass medium" video program material;

2) said memory (12) for storing digital auxiliary information (i.e. "software") along with said

stored program material; said digital auxiliary information including "subscriber selection data"

which designates at least one subject of interest to be selected by the subscriber (i.e. designating

"a happy end to a movie", "a sad end to a movie", etc,...) [note: lines 1 1-15 on page 1; lines 50-

64 on page 2; and lines 7174 on page 3]; 3) a kicker mechanism (30) for receiving an "instruct-

to-generate" signal from a subscriber input device (31); 4) control circuitry (25) for processing

said "subscriber selection data" in response to said "instruct-to-generate" signal; said control

circuitry generating a stylus "dancing routine" which directs the movement of the stylus of said

memory in order to output the sequence of stored program segments corresponding to "the

subject of interest" which was selected by the subscriber [note lines 50-64 of page 2];

5) means (28,14) for controlling the memory to communicate stored segments of the mass

medium program material to said output device in accordance with said "dancing routine"[note

lines 50-64 of page 2]; and 6) said output device (20) for presenting said communicated

segments.

It is noted that Claim 2 differs from Wine only in that claim 2 recites a "schedule" while

Wine discloses a "dancing routine". The examiner maintains that it would have been obvious to

one skilled in the art that the "dancing routine" described by Wine represented a "schedule", as

claimed by applicant, because said "dancing routine" identified/listed the sequence in which

selected program segments were to have been reproduced and displayed, based on the subscriber

input, in order to have produced the program selected by the subscriber.

With respect to claim 11, it is noted: that said "instruct-to-generate" signal in Wine

designates a plurality of program segment (i.e. at least one segment at each branching point); that

said memory in Wine includes a plurality of memory locations; and that said program segments

have been stored at specific memory locations of said memory.

Claims 2, 8, 10, 11, 12, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Yamaguchi (US Pat 4742516). As is illustrated in figure 1, Yamaguchi disclosed a system for

distributing mass medium program material. The system comprised: 1) at least one transmission

station (1) for receiving, formatting, and broadcasting the mass medium program material; 2) at

least one receiving set (2) for receiving, processing, and displaying selected portions of the

broadcasted mass medium program material; and 3) at least one receiver/user (3). As is

illustrated in figure 3, each of the receiving sets comprised: 1) an output device (38,40); 2) a first

memory (36); a receiver (31); and a processor (i.e. 32-35). The receiver comprised: a) means for

storing mass medium program material [i.e. memory (36) for storing the received "text" data]; b)

means for storing one or more subscriber data each of which designated a subject of interest of

the receiver/user [i.e. memories (34 and/or 36) for storing "classification codes" which were

selected based receiver/user inputs received by memory 34]; c) means for receiving an instruct-

to-generate signal [i.e. scanning device (37) which receives an "output order" from the

receiver/user]; d) means for controlling said first memory, upon reception of said instruct-to-

generate signal, to cause a sequence of mass medium program material to be

communicated from said first memory for presentation on said output device (38,40) [i.e. said

scanning device (37)which controls the outputting of program material from said first memory

(36)]; wherein said means for controlling determines the sequence in which the mass medium

programming is outputted from said first memory by processing said one or more subscriber data

such that the mass medium material is readout in a sequence that is different from that in which it

was received [i.e. upon receiving the output order, "scanning device" 37 reads selected portions

the stored program material out of memory 36 in a display sequence that was derived by

processing the classification codes which were inputted by receiver/user (note lines 5-13 of

column 10)]; and d) said output device (38,40) for presenting the communicated program

material.

However, the method recited in claim 2 differs from the operation of the receiver

described in Yamaguchi only in that the method of claim 2 recites: a step for generating a

schedule by processing said subscriber data in response to said received instruct-to-generate

signal; and a step for communicating program material to an output device in accordance with

said [generated] schedule.

Obviousness:

A) Under simple circumstances, said scanning device (37) in Yamaguchi was described as having operated to have sequentially read the accumulated mass medium program material out of memory (36) in "succession"; i.e. to have read said program material out of memory in the order that it was "accumulated" [note lines 15-22 of column 11]. To have accomplished such a reading operation, said scanning device (37) must have been supplied with the information (i.e. "memory access information") which would have enabled it to have identified the order in which the memory locations of said memory (36) had to have been accessed/read so as to have outputted said accumulated material in said explicitly described "succession". It is maintained that such memory access information, by definition, represents a display or output "schedule" [i.e. a list of memory location containing the program material to be outputted].

B) Under more complex circumstances, said scanning device (37) was described as having been "improved" such that is was able to have processed the receiver/user entered classification code(s) in order to have changed the order in which the accumulated mass medium program material was read out of memory (36) [see lines 58-68 of column 9; and lines 1-14 of column 10]. In order to have accomplished such a modified reading operation, it would have been obvious to one skilled in the art that the improved scanning device (37) must have included means which modified said memory access information based on said user entered classification codes so as to have allowed said scanning device (37) to have changed the order in which the memory locations of memory (36) were accessed/read (as was described). This modification process corresponds to the recited step for generating a schedule by processing said one or more subscriber data .

With respect to claim 8, it is noted that the receiving sets of Yamaguchi comprised a

switch (33). With respect to claim 10, it is noted that the subscriber data in Yamaguchi is

analyzed via elements 33 and 35 so to control those portions of the programming which are store

in memory 36. All of the limitations of claim 11 are met for reasons already addressed above.

The output control signal recited in claim 12 corresponds to the classification codes and the

distinction codes provided with the broadcasted programming. The "module" which is recited in

claim 14 can be read on the classification codes input by the receiver/user.

Claims 7, 22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Thonnart (US Pat 4413281). As is illustrated in figure 5, Thonnart disclosed a system for

interactively delivering and displaying TV images to at least one output device (22,23) in

response to user inputs entered via input device (29). The system operated:

A) to have outputted first sequences of images which contains at least one subscriber specific

datum (@22) wherein the images were provided sequentially both from page memory (2,8)

and/or from frame memory system (16 and 20) under control of a downloaded logic sequence

stored in logic memory (27). Note: that while a connection between elements (28) and (22) was

not illustrated in figure 5, such a connection did exist: as is clearly evidenced in the figure 3

illustration; B) to have received an input from the subscriber (@29) and to have communicated

(via "transmitter" 35) data identifying said subscriber input to a receiver (36) located at a remote

site; and C) to have assembled (via control circuit 37) one or more messages which were then

delivered to said output device whereby said output apparatus outputted a next sequence of

images according to a "schedule" derived for a downloaded logic sequence which was stored in

logic memory (27). Note: lines 39-46 of column 2 and lines 33-48 of column 4.

Claim 7 differs from Thonnart only in that claim 7 recites: 1) that the first image

sequence presents the subscriber with an "offer to input" which prompts the subscriber to enter

his response; and 2) that the remote site comprised a plurality of transmitters.

Obviousness: The system disclosed by Thonnart was exemplified as having produced complex

educational programming which could be independently presented to each of a plurality of

students, wherein the educational programming represented successive displays of video, text,

and diagrams which were displayed to the students along with associated audio commentaries.

The interactive nature of the system allowed the each student to be presented with the succession

of images based on the progress of that student [see lines 37-46 of column 2]. The following is

noted: a) it is maintained that it would have been obvious to one skilled in the art, if not inherent,

for the user responses in Thonnart to have been "prompted" by "offers" made in the displayed

first image sequences (e.g. for the student to have responded to a question presented in a first

image sequence resulting in the display of the appropriate explanation and/or advancement to the

next succession of images); b) it is maintained that it would have been obvious to one skilled in

the art to have modified the system disclosed by Thonnart to have provided additional interactive

programming over a plurality of additional TV channels thereby requiring a plurality of

transmitters.

With respect to claim 22, it is maintained that it would have been obvious for the

downloaded "logic sequences" to have been comprised of "higher language codes" as was well

known from the "Telesoftware" environment.

With respect to claim 25, it is noted that the system disclosed by Thonnart included means for synchronizing the display of successively/simultaneously displayed data (note: lines 2-13 of column 4).

VII   Applicant's arguments filed August 3, 1998 and attached to paper number 18 have been fully considered but they are not persuasive.

Applicant asserts on page 38 that Gomersall fails to teach "receiving at said subscriber station at least one instruct signal which is used to generate a schedule and output mass medium program material in accordance with said schedule." Applicant further asserts on page 39 that Gomersall fails to teach "generating subscriber specific data, said generating at said subscriber station directed by instructions from said at least one instruct signal." Applicant further asserts on page 39 that Gomersall fails to suggest "receiving one of a viewer's and participant's response to a combined medium presentation at a subscriber station, said combined medium presentation including said mass medium program material." It is the examiner's position that Gomersall teaches means, located at the subscriber station(s) illustrated in figure 4, which operate: a) to have stored subscriber data at a subscriber station (@66,70); b) to have received, at a subscriber station, one or more instruct signals which were used in order to have produced a schedule for generating and outputting a combined display comprised of subscriber specific data and mass medium program material [i.e. the digital data, provided from a receiver/decoder (22,56,60) or from modem 80, which controlled the generation and output of various types of data so as to have produced a combined presentation specific to each subscriber]. see lines 14-39 of column 9; and lines 53-57 of column 10.

Applicant further asserts on pages 40 and 41 that the reference to Wine fails to teach or suggest "storing said mass medium program material and subscriber data, said subscriber data designating a subject of interest of a subscriber." Applicant further asserts on page 41 that Wine is silent as to "generating a schedule by processing said subscriber data in response to said instruct-to-generate signal." The examiner maintains that Wine shows a storage device (10) which includes a stylus assembly (14) for retrieving stored information from a memory (12); a receiver (16) for receiving the retrieved information; and a processor (18, 25) for processing the retrieved information. More specifically, the system comprises: said memory (12) for storing a plurality of video program segments representing displayable "mass medium" video program material; said memory (12) for storing digital auxiliary information (i.e. "software") along with said stored program material; and said digital auxiliary information including "subscriber selection data" which designates at least one subject of interest to be selected by the subscriber (i.e. designating "a happy end to a movie", "a sad end to a movie", etc,...) [note: lines 1 1-15 on page 1; lines 50-64 on page 2; and lines 71-74 on page 3].

Applicant further asserts on page 42 with regard to the Yamaguchi reference that Yamaguchi fails to disclose "receiving an instruct-to-generate signal and generating a schedule by processing said subscriber data in response to said instruct-to-generate signal." However, the examiner maintains that Yamaguchi discloses means for receiving an instruct-to-generate signal [i.e. scanning device (37) which receives an "output order" from the receiver/user] and means for controlling the first memory, upon reception of said instruct-to-generate signal in order to communicate from said first memory a presentation on said output device (38,40) [i.e. said scanning device (37)which controls the outputting of program material from said first memory

(36)]. Specifically regarding the schedule, said scanning device (37) in Yamaguchi was

described as having operated to have sequentially read the accumulated mass medium program

material out of memory (36) in "succession"; i.e. to have read said program material out of

memory in the order that it was "accumulated" [note lines 15-22 of column 11]. To have

accomplished such a reading operation, said scanning device (37) must have been supplied with

the information (i.e. "memory access information") which would have enabled it to have

identified the order in which the memory locations of said memory (36) had to have been

accessed/read so as to have outputted said accumulated material in said explicitly described

"succession". It is maintained that such memory access information, by definition, represents a

display or output "schedule" [i.e. a list of memory location containing the program material to be

outputted].

Applicant further asserts on page 44 that the reference to Thonnart fails to show

"outputting a first sequence of images that one of contains and explains at least one receiver

specific datum." Applicant further asserts on page 44 that Thonnart fails to describe "receiving

input from said subscriber at said input device in response to said offer." The examiner

maintains that Thonnart discloses a system that operates as follows: A) outputting first sequences

of images which contains at least one subscriber specific datum (@22) wherein the images were

provided sequentially both from page memory (2,8) and/or from frame memory system (16 and

20) under control of a downloaded logic sequence stored in logic memory (27). B) to have

received an input from the subscriber (@29) and to have communicated (via "transmitter" 35)

data identifying said subscriber input to a receiver (36) located at a remote site; and C) to have

assembled (via control circuit 37) one or more messages which were then delivered to said

output device whereby said output apparatus outputted a next sequence of images according to a

"schedule" derived for a downloaded logic sequence which was stored in logic memory (27).
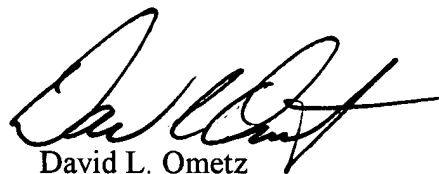
Note: lines 39-46 of column 2 and lines 33-48 of column 4.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to David L. Ometz whose telephone number is (703) 308-1296.

The examiner can normally be reached on M-F, 6:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone numbers for the

organization where this application or proceeding is assigned are (703) 872-9314 for regular

communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-4750.

David L. Ometz
Primary Examiner
Art Unit 2653

DLO
July 28, 2003